

**CITY OF BAY CITY  
ORDINANCE 706**

**AN ORDINANCE MAKING CERTAIN CHANGES IN THE CODE OF  
ORDINANCES OF THE CITY OF BAY CITY, OREGON**

**WHEREAS**, the general ordinances of the City of Bay City were codified into the "Code of Ordinances of the City of Bay City, Oregon" through Ordinance No. 705, adopted by the City Council of the City of Bay City on April 9, 2024; and

**WHEREAS**, upon review, certain changes were deemed necessary to update the Bay City Municipal Code.

**NOW THEREFORE**, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

**SECTION 1:**        **AMENDMENT** "1.04.010 Purpose" of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

1.04.010 Purpose

The purpose of the Code of Conduct is to encourage proper decorum for the conduct of City Council meetings, for proper conduct of elected officials outside of public meetings and to assure that all concerns are presented, heard and decided in the most efficient manner. This Code of Conduct is in addition to the Council Rules of Procedure. This Code does not replace any state requirements for Public Meetings, Public Records, ethics requirements or other applicable laws applicable to elected officials.

The Bay City Charter defines the Council as the Mayor and six Councilors. Any reference to Council in this Article makes reference to the Mayor and six Councilors.

**AFTER AMENDMENT**

1.04.010 Purpose

The purpose of the Code of Conduct is to encourage proper decorum for the conduct of City Council meetings, for proper conduct of elected officials outside of public meetings and to assure that all concerns are presented, heard and decided in the most efficient manner. This Code of Conduct is in addition to the Council Rules of Procedure. This Code does not replace any state requirements for Public Meetings, Public Records, ethics requirements or other applicable laws applicable to elected officials.

The Bay City Charter defines the Council as the Mayor and six Councilors. Any reference to Council in this Article makes reference to the Mayor and six Councilors.

This Code of Conduct shall also apply to members of the Planning Commission, referred to as a whole as the Planning Commission, or individually as Planning Commissioners. Any reference in this Section 1.04 referring to "Council" shall also apply to the Planning Commission, and any reference to "Mayor" or "Councilor" shall also apply to Planning Commissioners.

**SECTION 2:**AMENDMENT “1.04.020 Mayor And Councilor Conduct During Meetings” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

1.04.020 Mayor And Councilor Conduct During Meetings

- A. Civility, Professionalism and Decorum in Discussions and Debate: Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, for Council members to make belligerent, personal, slanderous, offensive, threatening, abusive, or disparaging comments to the Mayor, other Councilors, the staff or to the public. Further, all comments must be made at the appropriate times, in accordance with the Council Rules of Procedure.
- B. Avoid Personal, Offensive Comments: If a Council member is offended by the conduct or remarks made by any person during a meeting, the offended Councilor is encouraged to address the matter early, outside of the public meeting, directly with the offending person.
- C. Treatment of Citizen Speakers: For many citizens, speaking in front of the Council is a new and difficult experience. Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional. Reasonable time limits may be imposed on citizen speakers by the Mayor or by the Council during meetings.

**AFTER AMENDMENT**

1.04.020 ~~Mayor And Councilor~~Elected Official Conduct During Meetings

- A. Civility, Professionalism and Decorum in Discussions and Debate: Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, for Council members to make belligerent, personal, slanderous, offensive, threatening, abusive, or disparaging comments to the Mayor, other Councilors, Commissioners, the staff or to the public. Further, all comments must be made at the appropriate times, in accordance with the Council Rules of Procedure.

- B. Avoid Personal, Offensive Comments: If a Council member or Commissioner is offended by the conduct or remarks made by any person during a meeting, the offended Councilor/Commissioner is encouraged to address the matter early, outside of the public meeting, directly with the offending person.
- C. Treatment of Citizen Speakers: For many citizens, speaking in front of the Council/Commission is a new and difficult experience. Council/Commission members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional. Reasonable time limits may be imposed on citizen speakers by the Mayor, ~~or~~ by the Council, or by the Commission during meetings.

**SECTION 3:            AMENDMENT** “1.04.030 Mayor And Councilor Conduct Outside Of Public Meetings” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.04.030 Mayor And Councilor Conduct Outside Of Public Meetings

- A. Continue Respectful Behavior in Private: The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations. Councilors and the Mayor are public officials, even at private or personal events.
- B. Public Nature of Communications: All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication, which may be discoverable under the Oregon Public Records law.
- C. Private Conversations: Council members should be aware that even casual conversation about city business, other public officials or staff may draw attention and be repeated or even published on social media. The Mayor and Councilors should make sure that any comment that they make regarding City business should be clearly stated that it is their own personal opinion and not a statement of City policy or determination.
- D. Make No Promises On Behalf of the Council in Unofficial Settings: Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that City staff will take a specific action are to be avoided.
- E. Obey the Oregon Public Meetings and Records Law: A public official shall at all times comply with the public records and meetings law. No City business shall be discussed, even informally, at any gathering in which a quorum of the City Council is present, even if it is a social occasion.

AFTER AMENDMENT

1.04.030 ~~Mayor And Councilor~~Elected Official Conduct Outside Of Public Meetings

- A. Continue Respectful Behavior in Private: The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations. Councilors, Commissioners and the Mayor are public officials, even at private or personal events.
- B. Public Nature of Communications: All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication, which may be discoverable under the Oregon Public Records law.
- C. Private Conversations: Council/Commission members should be aware that even casual conversation about city business, other public officials or staff may draw attention and be repeated or even published on social media. The Mayor, ~~and~~ Councilors and Commissioners should make sure that any comment that they make regarding City business should be clearly stated that it is their own personal opinion and not a statement of City policy or determination.
- D. Make No Promises On Behalf of the Council/Commission in Unofficial Settings: Council/Commission members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that City staff will take a specific action are to be avoided.
- E. Obey the Oregon Public Meetings and Records Law: A public official shall at all times comply with the public records and meetings law. No City business shall be discussed, even informally, at any gathering in which a quorum of the City Council or Planning Commission is present, even if it is a social occasion.

**SECTION 4:            AMENDMENT “1.04.040 Council Conduct With City Staff”**  
of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.04.040 Council Conduct With City Staff

- A. Respect the Professional Duties of City Staff: Council members should refrain from disrupting staff from the conduct of their jobs, including but not limited to participating in administrative functions including directing staff assignments, attending staff meetings unless requested by staff and impairing the ability of staff to implement policy decisions.
- B. No Authority Unless Granted by the Council: Individual members of the Council have no individual authority to direct any city staff, unless such authority is specifically granted to the Councilor by the City Council as a whole. This specifically includes no authority to instruct city staff to take any action to benefit a particular Councilor's own property or benefit.

## AFTER AMENDMENT

### 1.04.040 Council/Commission Conduct With City Staff

- A. Respect the Professional Duties of City Staff: Council/Commission members should refrain from disrupting staff from the conduct of their jobs, including but not limited to participating in administrative functions including directing staff assignments, attending staff meetings unless requested by staff and impairing the ability of staff to implement policy decisions.
- B. No Authority Unless Granted by the Council/Commission: Individual members of the Council/Commission have no individual authority to direct any city staff, unless such authority is specifically granted to the Councilor/Commissioner by the City Council/Planning Commission as a whole. This specifically includes no authority to instruct city staff to take any action to benefit a particular Councilor/Commissioner's own property or benefit.

**SECTION 5:**        **AMENDMENT** “1.04.050 Individual Conduct Of Council Members” of the Bay City Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 1.04.050 Individual Conduct Of Council Members

It is the intent of the City Council to exhibit attitudes, words, and actions that demonstrate, support, and reflect the qualities and characteristics of Bay City as "A Place to Call Home." These aspirational goals for Council members include the following:

- A. Be honest with fellow Council members, the public and others.
- B. Credit others' contributions to moving our community's interests forward.
- C. Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- D. Reject gifts, services or other special considerations.
- E. The Mayor or Councilor should excuse themselves from participating in decisions when the Mayor, Councilor or their immediate family members have a financial interest which may be affected by the Council's action.
- F. Protect confidential information concerning litigation, personnel, property, or other affairs of the City; including no disclosure of executive session discussions or documents.
- G. Use public resources, such as staff time, equipment, supplies or facilities, only for City related business.
- H. Review materials provided in advance of the meeting.
  - I. Make every effort to attend meetings.
  - J. Be prepared to make difficult decisions when necessary.

- K. Contribute to a strong organization that exemplifies transparency.
- L. Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City.
- M. Promote meaningful public involvement in decision-making processes.
- N. Treat Council members, committee members, staff and the public with patience, courtesy and civility, even when there are disagreements on what is best for the community.
- O. Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with fellow Council members and staff.
- P. Respect the distinction between the role of Council and staff.
- Q. Conduct oneself in a courteous and respectful manner at all times.
- R. Encourage participation of all persons and groups during appropriate times.

#### AFTER AMENDMENT

#### 1.04.050 Individual Conduct Of ~~Council Members~~ Elected Officials

It is the intent of the City Council/Planning Commission to exhibit attitudes, words, and actions that demonstrate, support, and reflect the qualities and characteristics of Bay City as "A Place to Call Home." These aspirational goals for Council/Commission members include the following:

- A. Be honest with fellow Council/Commission members, the public and others.
- B. Credit others' contributions to moving our community's interests forward.
- C. Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- D. Reject gifts, services or other special considerations.
- E. The Mayor or Councilor/Commissioner should excuse themselves from participating in decisions when the Mayor, Councilor, Commissioner or their immediate family members have a financial interest which may be affected by the Council/Commission's action.
- F. Protect confidential information concerning litigation, personnel, property, or other affairs of the City; including no disclosure of executive session discussions or documents.
- G. Use public resources, such as staff time, equipment, supplies or facilities, only for City -related business.
- H. Review materials provided in advance of the meeting.
  - I. Make every effort to attend meetings.
  - J. Be prepared to make difficult decisions when necessary.
- K. Contribute to a strong organization that exemplifies transparency.
- L. Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City.
- M. Promote meaningful public involvement in decision-making processes.

- N. Treat Council/Commission members, committee members, staff and the public with patience, courtesy and civility, even when there are disagreements on what is best for the community.
- O. Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with fellow Council/Commission members and staff.
- P. Respect the distinction between the role of Council/Commission and staff.
- Q. Conduct oneself in a courteous and respectful manner at all times.
- R. Encourage participation of all persons and groups during appropriate times.

**SECTION 6:            AMENDMENT** “1.04.060 Censure And Violations” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

1.04.060 Censure And Violations

To assure the public confidence in the integrity of the City of Bay City, Council members are held to a high standard of conduct. For this reason, Council members believe the Code of Conduct is as important to the public process as other rules and procedures. It is also recognized that, there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

A Council member may be censured by the other Council members for:

- A. Misconduct, including not honoring the provisions of the Council Code of Conduct;
- B. Nonperformance of duty or failure to obey the laws of the federal, state, or local government;
- C. Other significant violations of Ordinances, laws or other behavior of a significant nature which adversely reflects on the City of Bay City and/or the rule of law.

Censure shall only be done by Council Resolution of Censure by a majority of the Council present at a public meeting in which a quorum is present and on which Censure is on the agenda.

Censure shall only be done if the allegations are specific and the offending Councilor has had an opportunity to respond in a public meeting to the specific allegations.

A violation of the Code of Conduct will not be considered a basis for challenging the validity of any Council decision.

**AFTER AMENDMENT**

1.04.060 Censure And Violations

To assure the public confidence in the integrity of the City of Bay City, Council/Commission members are held to a high standard of conduct. For this reason, Council/Commission members believe the Code of Conduct is as important to the public process as other rules and procedures. It is also recognized that, there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

A Council/Commission member may be censured by the other Council/Commission members for:

- A. Misconduct, including not honoring the provisions of the Council Code of Conduct;
- B. Nonperformance of duty or failure to obey the laws of the federal, state, or local government;
- C. Other significant violations of Ordinances, laws or other behavior of a significant nature which adversely reflects on the City of Bay City and/or the rule of law.

Censure shall only be done by Council/Commission Resolution of Censure by a majority of the Council/Commission present at a public meeting in which a quorum is present and on which Censure is on the agenda.

Censure shall only be done if the allegations are specific and the offending Councilor/Commissioner has had an opportunity to respond in a public meeting to the specific allegations.

A violation of the Code of Conduct will not be considered a basis for challenging the validity of any Council/Commission decision.

**SECTION 7:            AMENDMENT** “1.08.030 Grammatical Interpretations” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.08.030 Grammatical Interpretations

The following grammatical rules apply unless it is apparent from the context that a different construction is intended:

- A. Gender: Each gender includes the masculine, feminine and neuter genders.
- B. Singulars and Plurals: The singular number includes the plural, and the plural includes the singular.
- C. Tense: Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

AFTER AMENDMENT

1.08.030 Grammatical Interpretations

The following grammatical rules apply unless it is apparent from the context that a different construction is intended:

- A. Gender: Each gender includes the masculine, feminine and neuter or non-binary genders.
- B. Singulars and Plurals: The singular number includes the plural, and the plural includes the singular.
- C. Tense: Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- D. Use of Words and Phrases: Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

**SECTION 8:            AMENDMENT** “1.12.020 Definitions: Tax On Non-Medical Marijuana And Non-Medical Marijuana-Infused Products” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.12.020 Definitions: Tax On Non-Medical Marijuana And Non-Medical Marijuana-Infused Products

As used in this Article, unless the context requires otherwise:

"City Recorder" means the City Recorder for the City of Bay City or his/her designee.

"Gross Sales" means the total amount received in money, credits, property or other consideration from sales of non-medical marijuana and marijuanainfused products that is subject to the tax imposed by this chapter.

"Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or non-edible cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks ( except the resin extracted there from), fiber, oil, or non-edible cake, or the sterilized seed of the plant which is incapable of germination.

"Oregon Medical Marijuana Program" means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto, as may be amended from time to time.

"Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, limited liability partnership or corporation, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the Recorder, lessee, agent, servant, officer or employee of any of them.

"Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused product within the City.

"Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana or medical marijuana infused products may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

"Retail sale" means the transfer of goods or services in exchange for any valuable consideration.

"Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

"Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

"Taxpayer" means any person obligated to account to the City Recorder for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

#### AFTER AMENDMENT

##### 1.12.020 Definitions: Tax On Non-Medical Marijuana And Non-Medical Marijuana-Infused Products

As used in this Article, unless the context requires otherwise:

"City Recorder" means the City Recorder for the City of Bay City or his/her designee.

"City Manager" means the City Manager for the City of Bay City and his/her designee.

"Gross Sales" means the total amount received in money, credits, property or other consideration from sales of non-medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.

"Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or non-edible cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks ( except the resin extracted there from), fiber, oil, or non-edible cake, or the sterilized seed of the plant which is incapable of germination.

"Oregon Medical Marijuana Program" means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto, as may be amended from time to time.

"Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, limited liability partnership or corporation, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the Recorder, lessee, agent, servant, officer or employee of any of them.

"Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused product within the City.

"Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana or medical marijuana infused products may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

"Retail sale" means the transfer of goods or services in exchange for any valuable consideration.

"Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

"Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

"Taxpayer" means any person obligated to account to the City Recorder for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

**SECTION 9:            AMENDMENT "1.12.030 Tax Imposed" of the Bay City Municipal Code is hereby *amended* as follows:**

BEFORE AMENDMENT

1.12.030 Tax Imposed

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling non-medical marijuana or non-medical marijuana-infused products as defined in this Article. The City Recorder is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the marijuana tax.

AFTER AMENDMENT

1.12.030 Tax Imposed

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling non-medical marijuana or non-medical marijuana-infused products as defined in this Article. The City ~~Recorder~~ Manager is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the marijuana tax.

**SECTION 10:**        **AMENDMENT** “1.12.070 Failure To Report And Remit Tax - Determination Of Tax By City Recorder” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.12.070 Failure To Report And Remit Tax - Determination Of Tax By City Recorder

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter, the City Recorder shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Recorder shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the City Recorder shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the City Recorder shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in Section 1.12.080 of this Article. If no appeal is filed, the City Recorder's determination is final and the amount thereby is immediately due and payable.

AFTER AMENDMENT

1.12.070 Failure To Report And Remit Tax - Determination Of Tax By City Recorder

If any seller should fail to make, within the time provided in this ~~C~~chapter, any report of the tax required by this ~~C~~chapter, the City ~~Recorder~~Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City ~~Recorder~~Manager shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the City ~~Recorder~~Manager shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the City ~~Recorder~~Manager shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in Section 1.12.080 of this Article. If no appeal is filed, the City ~~Recorder's~~Manager's determination is final and the amount thereby is immediately due and payable.

**SECTION 11:**            AMENDMENT “1.12.080 Appeal” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.12.080 Appeal

Any seller aggrieved by any decision of the City Recorder with respect to the amount of such tax, interest and penalties, if any, may appeal pursuant to the City Council, except that the appeal shall be filed within 30 (thirty) days of the serving or mailing of the determination of tax due. The City Council shall hear and consider any records and evidence presented bearing upon the City Recorder's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Council shall be final and conclusive. Any amount found to be due shall be immediately due and payable.

AFTER AMENDMENT

1.12.080 Appeal

Any seller aggrieved by any decision of the City ~~Recorder~~Manager with respect to the amount of such tax, interest and penalties, if any, may appeal pursuant to the City Council, except that the appeal shall be filed within 30 (thirty) days of the serving or mailing of the determination of tax due. The City Council shall hear and consider any records and evidence presented bearing upon the City ~~Recorder~~Manager's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Council shall be final and conclusive. Any amount found to be due shall be immediately due and payable.

**SECTION 12:**            **AMENDMENT** “1.12.090 Refunds” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

1.12.090 Refunds

- A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this Article, it may be refunded as provided in paragraph B of this Section. The claim shall be on forms furnished by the City.
- B. The City Recorder shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City Recorder shall notify the claimant in writing of the City Recorder's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City Recorder to be a valid claim, in a manner prescribed by the City Recorder a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify City Recorder of claimant's choice no later than fifteen (15) days following the date City Recorder mailed the determination. In the event claimant has not notified the City Recorder of claimant's choice within the fifteen (15) day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.
- C. Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three (3) years after the date on which the overpayment was made to the City.
- D. No refund shall be paid under the provisions of this Section unless the claimant established the right by written records showing entitlement to such refund and the City Recorder acknowledged the validity of the claim.

**AFTER AMENDMENT**

1.12.090 Refunds

- A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this Article, it may be refunded as provided in paragraph B of this Section. The claim shall be on forms furnished by the City.
- B. The City ~~Recorder~~Manager shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City ~~Recorder~~Manager shall notify the claimant in writing of

the City ~~Recorder~~ Manager's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City ~~Recorder~~ Manager to be a valid claim, in a manner prescribed by the City ~~Recorder~~ Manager a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify City ~~Recorder~~ Manager of claimant's choice no later than fifteen (15) days following the date City ~~Recorder~~ Manager mailed the determination. In the event claimant has not notified the City ~~Recorder~~ Manager of claimant's choice within the fifteen (15) day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

- C. Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three (3) years after the date on which the overpayment was made to the City.
- D. No refund shall be paid under the provisions of this Section unless the claimant established the right by written records showing entitlement to such refund and the City ~~Recorder~~ Manager acknowledged the validity of the claim.

**SECTION 13:**            AMENDMENT “1.12.130 Audit Of Books, Records, Or Persons” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 1.12.130 Audit Of Books, Records, Or Persons

- A. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the City Recorder or an authorized agent of the City Recorder.
- B. If the examinations or investigations disclose that any reports of sellers filed with the City Recorder pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the City Recorder may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.
- C. The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such

examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

- D. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from Tillamook County Circuit Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.
- E. Every seller shall keep a record of all sales of non-medical marijuana and non-medical marijuana-infused products. The records shall, at all times during the business hours of the day, be subject to inspection by the City or authorized officers or agents of the City Recorder.
- F. Every seller shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

#### AFTER AMENDMENT

##### 1.12.130 Audit Of Books, Records, Or Persons

- A. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the City ~~Recorder~~ Manager or an authorized agent of the City ~~Recorder~~ Manager.
- B. If the examinations or investigations disclose that any reports of sellers filed with the City ~~Recorder~~ Manager pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the City ~~Recorder~~ Manager may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.
- C. The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.
- D. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from Tillamook County Circuit Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.
- E. Every seller shall keep a record of all sales of non-medical marijuana and non-medical

marijuana-infused products. The records shall, at all times during the business hours of the day, be subject to inspection by the City or authorized officers or agents of the City ~~Recorder~~ Manager.

- F. Every seller shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

**SECTION 14:**            **AMENDMENT** “1.12.140 Forms And Regulations” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.12.140 Forms And Regulations

The City Recorder is hereby authorized to prescribe forms to aid in the making of returns, the ascertainment, assessment and collection of said non-medical marijuana tax and in particular and to provide for:

- A. A form of report on sales and purchases to be supplied to all sellers;
- B. The records which sellers providing non-medical marijuana and non-medical marijuana-infused products are to keep concerning the tax imposed by this Article.

AFTER AMENDMENT

1.12.140 Forms And Regulations

The City ~~Recorder~~ Manager is hereby authorized to prescribe forms to aid in the making of returns, the ascertainment, assessment and collection of said non-medical marijuana tax and in particular and to provide for:

- A. A form of report on sales and purchases to be supplied to all sellers;
- B. The records which sellers providing non-medical marijuana and non-medical marijuana-infused products are to keep concerning the tax imposed by this Article.

**SECTION 15:**            **AMENDMENT** “1.14.050 Procedure For Vacation” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.14.050 Procedure For Vacation

- A. Upon the filing of a petition in accordance with Section 1.14.030 or 1.14.040, together

with payment of the required fees, the City Recorder shall cause a copy thereof to be forwarded to the City of Bay City Planning Commission.

- B. After 20 days prior written notice of the public hearing to all properties within 250 feet of the requested vacated area the Planning Commission shall hold a public hearing for the purpose of hearing comments for and against said petition and evaluating the pertinent facts and circumstances of the specific request.
- C. After the public hearing, the Planning Commission shall forward its recommendation to the City Recorder for presentation to the City Council at its next regular meeting. In addition, the Planning Commission shall, as part of its recommendation, make a recommendation as to whether or not the proposed street vacation would have a significant impact on land uses in the area defined by ORS 271.080.
- D. The City Council shall hold a public hearing on the petition. After hearing, the Council may, by passing an appropriate ordinance, grant the petition, or grant any lesser degree of closure or deny the petition. Notice of the hearing shall be in accordance with ORS 271.110 and any other applicable statutes.

#### AFTER AMENDMENT

##### 1.14.050 Procedure For Vacation

- A. Upon the filing of a petition in accordance with Section 1.14.030 or 1.14.040, together with payment of the required fees, the City ~~Recorder~~ Manager shall cause a copy thereof to be forwarded to the City of Bay City Planning Commission.
- B. After 20 days prior written notice of the public hearing to all properties within 250 feet of the requested vacated area the Planning Commission shall hold a public hearing for the purpose of hearing comments for and against said petition and evaluating the pertinent facts and circumstances of the specific request.
- C. After the public hearing, the Planning Commission shall forward its recommendation to the City ~~Recorder~~ Manager for presentation to the City Council at its next regular meeting. In addition, the Planning Commission shall, as part of its recommendation, make a recommendation as to whether or not the proposed street vacation would have a significant impact on land uses in the area defined by ORS 271.080.
- D. The City Council shall hold a public hearing on the petition. After hearing, the Council may, by passing an appropriate ordinance, grant the petition, or grant any lesser degree of closure or deny the petition. Notice of the hearing shall be in accordance with ORS 271.110 and any other applicable statutes.

**SECTION 16:**            **AMENDMENT** “1.14.030 Vacation By Petition” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 1.14.030 Vacation By Petition

Petition forms as outlined in ORS 271.080 for proposed vacations shall be filed with the City Recorder completed with the following information and together with the required fees:

- A. A current tax map of the area showing the right-of-way proposed to be vacated and the affected area.
- B. The purpose of the vacation.
- C. The written consent of affected property owners as required by state statute (currently ORS 271.080).
- D. The recommendation of the City of Bay City Public Works Superintendent, which shall give such consent only after considering the effect of such vacation on traffic patterns, routing of city-owned utilities, drainage, bicycle and walking trails, and any other relevant factors.
- E. The recommendation of the Chief of the Bay City Fire Department.

AFTER AMENDMENT

1.14.030 Vacation By Petition

Petition forms as outlined in ORS 271.080 for proposed vacations shall be filed with the City ~~Recorder~~ Manager completed with the following information and together with the required fees:

- A. A current tax map of the area showing the right-of-way proposed to be vacated and the affected area.
- B. The purpose of the vacation.
- C. The written consent of affected property owners as required by state statute (currently ORS 271.080).
- D. The recommendation of the City of Bay City Public Works Superintendent, which shall give such consent only after considering the effect of such vacation on traffic patterns, routing of city-owned utilities, drainage, bicycle and walking trails, and any other relevant factors.
- E. The recommendation of the Chief of the Bay City Fire Department.

**SECTION 17:**            **AMENDMENT** “2.02.060 Call For Bids” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.02.060 Call For Bids

The City Council may, in its discretion, direct the City Recorder to advertise for bids for construction of all, or any part of, the improvement project on the basis of the Council-approved report and before the passage of the resolution, or after the passage of the resolution and before the public hearing on the proposed improvement, or at any time after said public hearing; provided, however, that no contract shall be let until after the public hearing has been held to hear remonstrances and oral objections to the proposed improvement. In the event that any part of the work of the improvement is to be done under contract bids, the City Council shall determine the time and manner of advertisement for bids, and the contracts may be let to the responsible bidder whose bid is in the best interests of the city as determined in the sole discretion of the City Council, provided that the Council shall have the right to reject any or all bids when they are deemed unreasonable or unsatisfactory in the Council's discretion. The city shall provide for the bonding of all contractors for the faithful performance of any contract let under its authority, and the provisions thereof in case of default shall be enforced by action in the name of the City of Bay City.

If the City Council finds, upon opening bids for the work of such improvement, that the bid in the best interest of the city is substantially in excess of the estimate, it may, in its discretion, provide for holding a special hearing of objections to the proceeding with the improvement on the basis of such bid; and it may direct the City Recorder to publish one notice thereof in a newspaper of general circulation in the City of Bay City.

#### AFTER AMENDMENT

##### 2.02.060 Call For Bids

The City Council may, in its discretion, direct the City ~~Recorder~~ Manager to advertise for bids for construction of all, or any part of, the improvement project on the basis of the Council-approved report and before the passage of the resolution, or after the passage of the resolution and before the public hearing on the proposed improvement, or at any time after said public hearing; provided, however, that no contract shall be let until after the public hearing has been held to hear remonstrances and oral objections to the proposed improvement. In the event that any part of the work of the improvement is to be done under contract bids, the City Council shall determine the time and manner of advertisement for bids, and the contracts may be let to the responsible bidder whose bid is in the best interests of the city as determined in the sole discretion of the City Council, provided that the Council shall have the right to reject any or all bids when they are deemed unreasonable or unsatisfactory in the Council's discretion. The city shall provide for the bonding of all contractors for the faithful performance of any contract let under its authority, and the provisions thereof in case of default shall be enforced by action in the name of the City of Bay City.

If the City Council finds, upon opening bids for the work of such improvement, that the bid in the best interest of the city is substantially in excess of the estimate, it may, in its discretion, provide for holding a special hearing of objections to the proceeding with the improvement on the basis of such bid; and it may direct the City Recorder to publish one notice thereof in a newspaper of general circulation in the City of Bay City.

**SECTION 18:**            **AMENDMENT** “2.02.090 Notice Of Assessment” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

2.02.090 Notice Of Assessment

Within 10 days after the ordinance levying assessment has been passed, the City Recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property, and shall publish notice of such assessment twice in a newspaper of general circulation in the City of Bay City, the first publication of which shall be made not later than 10 days after the date of the assessment ordinance. The notice of assessment shall recite the date of the assessment ordinance and shall state that, upon the failure of the owner of the property assessed to make application to pay the assessment in installments within 30 days from the date of the first publication of notice, or upon the failure of the owner to pay the assessment in full within 30 days from the date of the assessment ordinance, then interest will commence to run on the assessment and that the property assessed will be subject to fore-closure; and said notice shall further set forth a description of the property assessed, the name of the owner of the property, and the amount of each assessment.

**AFTER AMENDMENT**

2.02.090 Notice Of Assessment

Within 10 days after the ordinance levying assessment has been passed, the City ~~Recorder~~Manager shall send by registered or certified mail a notice of assessment to the owner of the assessed property, and shall publish notice of such assessment twice in a newspaper of general circulation in the City of Bay City, the first publication of which shall be made not later than 10 days after the date of the assessment ordinance. The notice of assessment shall recite the date of the assessment ordinance and shall state that, upon the failure of the owner of the property assessed to make application to pay the assessment in installments within 30 days from the date of the first publication of notice, or upon the failure of the owner to pay the assessment in full within 30 days from the date of the assessment ordinance, then interest will commence to run on the assessment and that the property assessed will be subject to fore-closure; and said notice shall further set forth a description of the property assessed, the name of the owner of the property, and the amount of each assessment.

**SECTION 19:**            **AMENDMENT** “2.02.110 Errors In Assessment Calculations” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

2.02.110 Errors In Assessment Calculations

Claimed errors in the calculation of assessments shall be called to the attention of the City Recorder, who shall determine whether there has been an error in fact. If the Recorder shall find that there has been an error in fact, he shall recommend to the City Council an amendment to the assessment ordinance to correct such error; and upon enactment of such amendment, the City Recorder shall make the necessary correction in the docket of city liens and send a correct notice of assessment by registered or certified mail.

AFTER AMENDMENT

2.02.110 Errors In Assessment Calculations

Claimed errors in the calculation of assessments shall be called to the attention of the City ~~Recorder~~ Manager, who shall determine whether there has been an error in fact. If the ~~Recorder~~ Managers shall find that there has been an error in fact, he shall recommend to the City Council an amendment to the assessment ordinance to correct such error; and upon enactment of such amendment, the City Recorder shall make the necessary correction in the docket of city liens and send a correct notice of assessment by registered or certified mail.

**SECTION 20:** AMENDMENT “2.04.020 Senior Citizen Defined” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.04.020 Senior Citizen Defined

A senior citizen is one who is sixty-two (62) years of age or more on or before the first day of January of the year in which the assessment in question is to be levied.

AFTER AMENDMENT

2.04.020 Senior Citizen Defined

A senior citizen is one who is sixty-~~two~~ five (65~~2~~) years of age or more on or before the first day of January of the year in which the assessment in question is to be levied.

**SECTION 21:** AMENDMENT “2.04.030 Qualification Of Senior Citizens” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.04.030 Qualification Of Senior Citizens

To qualify for this senior citizens assessment deferral program:

- A. The property to be assessed must be owned by a senior citizen or if owned by a husband and wife then only one of them needs to be a senior citizen;
- B. The property to be assessed must be the residence of the senior citizen;
- C. The senior citizen shall have an income not to exceed Forty-eight hundred (\$4,800.00), and if he is married then their joint income shall not exceed Six-thousand (\$6,000.00), and further, not to exceed an increase of more than Six hundred (\$600.00), for each additional dependent that is living with them during the calendar year preceding the one in which the assessment is to be levied.

AFTER AMENDMENT

2.04.030 Qualification Of Senior Citizens

To qualify for this senior citizens assessment deferral program:

- A. The property to be assessed must be owned by a senior citizen or if owned by a husband and wife then only one of them needs to be a senior citizen;
- B. The property to be assessed must be the residence of the senior citizen;
- C. The senior citizen shall have an income not to exceed eighty percent (80%) of the previous year's Actual Median Income (AMI) for Tillamook County. ~~Forty-eight hundred (\$4,800.00), and if the senior citizen is married and/or has a family residing in the residence,~~ then their joint income shall not exceed eighty percent (80%) of the Actual Median Income (AMI) for Tillamook County. ~~Six-thousand (\$6,000.00), and further, not to exceed an increase of more than Six hundred (\$600.00), for each additional dependent that is living with them~~ during the calendar year preceding the one in which the assessment is to be levied.

**SECTION 22:**        AMENDMENT “2.08.090 Collection Of Charge” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.08.090 Collection Of Charge

- A. The system development charge is payable prior to issuance of:
  - 1. A building permit;
  - 2. A permit or approval to connect to the water system; or
  - 3. A permit or approval to connect to the sewer system.
- B. If no building or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased.

- C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, then the penalties of Section 2.08.170 herein apply.
- D. The City Recorder shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the City is made.
- E. The City Recorder shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 2.08.110 of this Article, or unless an exemption is granted pursuant to Section 2.08.120 of this Article.

AFTER AMENDMENT

2.08.090 Collection Of Charge

- A. The system development charge is payable prior to issuance of:
  - 1. A building permit;
  - 2. A permit or approval to connect to the water system; or
  - 3. A permit or approval to connect to the sewer system.
- B. If no building or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased.
- C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, then the penalties of Section 2.08.170 herein apply.
- D. The City ~~Recorder~~ Manager shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the City is made.
- E. The City ~~Recorder~~ Manager shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 2.08.110 of this Article, or unless an exemption is granted pursuant to Section 2.08.120 of this Article.

**SECTION 23:**            AMENDMENT “2.08.100 Installment Payment” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.08.100 Installment Payment

- A. When a system development charge of \$300.00 or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in 20 semi-annual installments, to include interest on the unpaid balance at the rate of 12% per annum or such other rate established by Council resolution, which shall include the recording fee, and to include an administrative fee to be set by Council resolution. At the owner’s express request, payments may be made for less than 10 years in accordance with ORS 223.215(2).

- B. The City Recorder shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors. The applicant shall sign and complete all forms necessary to assent to the City's lien being placed on the property or to otherwise effectuate an installment request.
- C. An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien. Further, the City may require the applicant to furnish a title insurance policy confirming ownership by the applicant, a deed or contract or other evidence of ownership satisfactory to the City. In addition, the City may require production of trust documents, partnership documents or corporate documents, as may be relevant, if the property is owned by an entity other than individual ownership. However, all documents which are not already a matter of public record prior to their submission to the City and which pertain to the financial affairs of the Applicant, including estate planning of the Applicant, shall be deemed to be confidential and shall be considered exempt from public disclosure unless otherwise required by law. The City may further require the applicant to provide additional security if the City has reason to believe that there is not sufficient equity in the property to pay any mortgage and superior lienholders in addition to the City. If the applicant cannot satisfy these requirements, the City may deny the applicant the ability to make installment payments.
- D. The City Recorder shall report to the City Council, for its approval, the amount of the system development charge, the dates on which the payments are due, the name of the owner, and the description of the parcel.
- E. After approval of the application for installment payments by the City Council, the City Recorder shall docket the lien in the City's lien docket as well as recording a notice of the lien in the Tillamook County Deed Records. From that time the City shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the City Council. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be binding on all successors in interest in the subject property.

#### AFTER AMENDMENT

##### 2.08.100 Installment Payment

- A. When a system development charge of \$300.00 or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in 20 semi-annual installments, to include interest on the unpaid balance at the rate of 12% per annum or such other rate established by Council resolution, which shall include the recording fee, and to include an administrative fee to be set by Council resolution. At the owner's express request, payments may be made for less than 10 years in accordance with ORS 223.215(2).
- B. The City ~~Recorder~~ Manager shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for

the correction of computational errors. The applicant shall sign and complete all forms necessary to assent to the City's lien being placed on the property or to otherwise effectuate an installment request.

- C. An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien. Further, the City may require the applicant to furnish a title insurance policy confirming ownership by the applicant, a deed or contract or other evidence of ownership satisfactory to the City. In addition, the City may require production of trust documents, partnership documents or corporate documents, as may be relevant, if the property is owned by an entity other than individual ownership. However, all documents which are not already a matter of public record prior to their submission to the City and which pertain to the financial affairs of the Applicant, including estate planning of the Applicant, shall be deemed to be confidential and shall be considered exempt from public disclosure unless otherwise required by law. The City may further require the applicant to provide additional security if the City has reason to believe that there is not sufficient equity in the property to pay any mortgage and superior lienholders in addition to the City. If the applicant cannot satisfy these requirements, the City may deny the applicant the ability to make installment payments.
- D. The City ~~Recorder~~ Manager shall report to the City Council, for its approval, the amount of the system development charge, the dates on which the payments are due, the name of the owner, and the description of the parcel.
- E. After approval of the application for installment payments by the City Council, the City Recorder shall docket the lien in the City's lien docket as well as recording a notice of the lien in the Tillamook County Deed Records. From that time the City shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the City Council. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be binding on all successors in interest in the subject property.

**SECTION 24:**            AMENDMENT "2.08.140 Segregation And Use Of Revenue" of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 2.08.140 Segregation And Use Of Revenue

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the City. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no other purpose other than those set forth in Section 2.08.060 of this Article.
- B. The City Recorder shall provide the City Council with an annual accounting, based on

the City’s fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.

AFTER AMENDMENT

2.08.140 Segregation And Use Of Revenue

- A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the City. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no other purpose other than those set forth in Section 2.08.060 of this Article.
- B. The City ~~Recorder~~ Manager shall provide the City Council with an annual accounting, based on the City’s fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.

**SECTION 25:**            **AMENDMENT** “2.08.150 Appeal Procedure” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.08.150 Appeal Procedure

- A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the City Council by filing a written request with the City Recorder describing with particularity the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.
- B. Appeals of any other decision required or permitted to be made by the City under this Article must be filed within 10 days of the date of the decision.
- C. After providing notice to the appellant, the City Council shall determine whether the decision or the expenditure is in accordance with this Article and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the Council determines that there has been an improper expenditure of any system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only as provided in ORS 34.010 to ORS 34.100, and not otherwise
- D. A legal action challenging the methodology adopted by the Council pursuant to Section 2.08.050 shall not be filed later than 60 days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise.

## AFTER AMENDMENT

### 2.08.150 Appeal Procedure

- A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the City Council by filing a written request with the City ~~Recorder~~ Manager describing with particularity the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.
- B. Appeals of any other decision required or permitted to be made by the City under this Article must be filed within 10 days of the date of the decision.
- C. After providing notice to the appellant, the City Council shall determine whether the decision or the expenditure is in accordance with this Article and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the Council determines that there has been an improper expenditure of any system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only as provided in ORS 34.010 to ORS 34.100, and not otherwise
- D. A legal action challenging the methodology adopted by the Council pursuant to Section 2.08.050 shall not be filed later than 60 days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise.

**SECTION 26:**            **AMENDMENT** “2.12.010 General Policy” of the Bay City Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 2.12.010 General Policy

- A. Purpose: The purpose of this Article is:
  - 1. To protect the health and welfare of the customers of Bay City Regional Water District by the control of actual or potential contamination or pollution from cross contamination.
  - 2. To eliminate or control existing cross-connections, actual or potential, between the consumer's drinking water systems, lawn and fire sprinkler systems, and plumbing fixtures and industrial water distribution systems; and,
  - 3. To provide for annual testing and maintenance of cross-connection and backflow prevention assemblies.
- B. Responsibility: The property owner shall be responsible for all cross-connection control within the premises and protecting the public drinking water distribution system from contamination or pollution due to the backflow of contaminants or

pollutants through water service connections.

When an approved backflow prevention assembly is required, the City or District shall give written notice to the property owner and occupant stating that an approved backflow prevention assembly shall be installed at a specified location designated by the City or the District.

The property owner and occupant shall install an approved backflow prevention assembly at their own expenses prior to receiving water service.

Water service shall be disconnected by the City or the District in the event said cross-connection and/or backflow prevention assemblies are not installed, maintained and tested annually.

## AFTER AMENDMENT

### 2.12.010 General Policy

- A. Purpose: The purpose of this Article is:
1. To protect the health and welfare of the customers of Bay City Regional Water ~~District~~ System by the control of actual or potential contamination or pollution from cross contamination.
  2. To eliminate or control existing cross-connections, actual or potential, between the consumer's drinking water systems, lawn and fire sprinkler systems, and plumbing fixtures and industrial water distribution systems; and,
  3. To provide for annual testing and maintenance of cross-connection and backflow prevention assemblies.
- B. Responsibility: The property owner shall be responsible for all cross-connection control within the premises and protecting the public drinking water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through water service connections.

When an approved backflow prevention assembly is required, the City or ~~District~~ System shall give written notice to the property owner and occupant stating that an approved backflow prevention assembly shall be installed at a specified location designated by the City or the District.

The property owner and occupant shall install an approved backflow prevention assembly at their own expenses prior to receiving water service.

Water service shall be disconnected by the City or the ~~District~~ System in the event said cross-connection and/or backflow prevention assemblies are not installed, maintained and tested annually.

**SECTION 27:            AMENDMENT** “2.12.020 Definitions: Cross Connection Control Article” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

2.12.020 Definitions: Cross Connection Control Article

"Approved." Approved backflow prevention assembly or backflow assembly means an assembly to counteract back pressures or prevent back siphonage as approved by the Oregon Department of Health.

"Auxiliary Water Supply" means any water source or system other than the public drinking water system that may be available in the building or on the premises.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the City's or District's drinking water system.

"City" means City of Bay City.

"Contamination" means the entry into or the presence of any substance in the drinking water system which could be a public health hazard.

"Cross-Connection" means any physical arrangement where the City's or District's drinking water system is connected directly or indirectly, with any other water system or auxiliary system, sewer, drain pipes, swimming pool, storage reservoir, hot water heater, plumbing fixture, cooler, fire sprinklers, lawn sprinklers, or any other container or system which contains or may contain contaminated water, sewage, other liquids or an unknown or unsafe quality which may be capable of contaminating the City's or District's drinking water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur, are considered to be cross-connections.

"Cross-Connection Specialist." A person designated by the City or District and who has been certified as a Cross-Connection Specialist by the Oregon Department of Human Services under OAR 333-061-0073.

"District" means Kilchis Regional Water District.

"Double Check Valve Backflow Prevention Assembly" means an assembly composed of two independently acting approved check valves including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

"High Public Health Hazard" means the classification assigned to an actual or potential cross-connection that potentially could allow substances or liquids that may cause illness or death to backflow into the City's or District's drinking water system.

"Public Health Hazard" means an actual physical or toxic contamination threat to the City's or District's drinking water system that would be a danger to health.

"Plumbing Hazard" means an internal or plumbing-type cross-connection in the consumer's drinking water system that may be either a polluttional or a contamination type hazard. This includes, but is not limited to cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines, dishwashers, water hoses, or fire and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures, including homes, manufactured homes, mobile homes, motor homes and trailers, apartment houses, restaurants, food processing, grocery stores, beauty salons, commercial or industrial establishments.

"Reduced Pressure Principle Backflow Prevention Assembly." An assembly containing two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

#### AFTER AMENDMENT

##### 2.12.020 Definitions: Cross Connection Control Article

"Approved." Approved backflow prevention assembly or backflow assembly means an assembly to counteract back pressures or prevent back siphonage as approved by the Oregon Department of Health.

"Auxiliary Water Supply" means any water source or system other than the public drinking water system that may be available in the building or on the premises.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the City's or District's drinking water system.

"City" means City of Bay City.

"Contamination" means the entry into or the presence of any substance in the drinking water system which could be a public health hazard.

"Cross-Connection" means any physical arrangement where the City's or District's drinking water system is connected directly or indirectly, with any other water system or auxiliary system, sewer, drain pipes, swimming pool, storage reservoir, hot water heater, plumbing fixture, cooler, fire sprinklers, lawn sprinklers, or any other container or system which contains or may contain contaminated water, sewage, other liquids or an unknown or unsafe quality which may be capable of contaminating the City's or District's drinking water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur, are considered to be cross-connections.

"Cross-Connection Specialist." A person designated by the City or District and who has been certified as a Cross-Connection Specialist by the Oregon Department of Human Services under OAR 333-061-0073.

"District" means ~~Kilehis~~Bay City Regional Water ~~District~~System.

"Double Check Valve Backflow Prevention Assembly" means an assembly composed of two independently acting approved check valves including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

"High Public Health Hazard" means the classification assigned to an actual or potential cross-connection that potentially could allow substances or liquids that may cause illness or death to backflow into the City's or District's drinking water system.

"Public Health Hazard" means an actual physical or toxic contamination threat to the City's or District's drinking water system that would be a danger to health.

"Plumbing Hazard" means an internal or plumbing-type cross-connection in the consumer's drinking water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines, dishwashers, water hoses, or fire and lawn sprinkling systems. Plumbing type cross connections can be located in many types of structures, including homes, manufactured homes, mobile homes, motor homes and trailers, apartment houses, restaurants, food processing, grocery stores, beauty salons, commercial or industrial establishments.

"Reduced Pressure Principle Backflow Prevention Assembly." An assembly containing two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

"System" means Bay City Regional Water System.

**SECTION 28:**            **AMENDMENT** “2.12.030 Requirements” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

2.12.030 Requirements

- A. Water System Service Connections: The City or the District shall provide and install at the property owner's expense the service line, shut off valve, and water meter to a location in the street right-of-way adjacent to the designated property line. No water service will be provided to the property until, at the property owner's expense, an approved backflow assembly and service line is installed and connected to the service side of the water meter by an Oregon certified plumber and is approved by the City or the District.
- B. Inspections: All water consumers and owners of premises served by the City or water system shall permit inspections by the City or the District for the purpose of determining whether the water consumer or owner is in compliance with this Article.
- C. Approved Devices: Any backflow prevention assembly required herein shall be a make, model and size approved by the Oregon Health Department. The term "Approve Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by ORS 448.115 - 448.990 and OAR Chapter 333 and by the American Water Works Association entitled: AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assembly and further updates and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assembly - Section 10 of the most current edition of the Manual of Cross-Connection Control and any further updates thereof. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards, or "Certificate of Approval" for the said USC FCCCHR Specifications issued by an approved testing laboratory. The following testing laboratory has been qualified by the Water Commissioner to test and approve backflow prevention assemblies: Foundation for Cross-Connection Control and Hydraulic Research University of Southern California KAP-2.00 University Park MC-2531 Los Angeles, California 90089-2531. Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Oregon Department of Health.
- D. Periodic Testing: At their own expense consumers or property owners shall where backflow prevention assemblies are installed have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the City or the District deems the hazard to be great enough additional field tests at more frequent intervals may be required. These

assemblies shall be repaired or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests and repairs shall be kept and documentation provided to the City or the District.

## AFTER AMENDMENT

### 2.12.030 Requirements

- A. Water System Service Connections: The City or the ~~District~~ System shall provide and install at the property owner's expense the service line, shut off valve, and water meter to a location in the street right-of-way adjacent to the designated property line. No water service will be provided to the property until, at the property owner's expense, an approved backflow assembly and service line is installed and connected to the service side of the water meter by an Oregon certified plumber and is approved by the City or the ~~District~~ System.
- B. Inspections: All water consumers and owners of premises served by the City or water System shall permit inspections by the City or the ~~District~~ System for the purpose of determining whether the water consumer or owner is in compliance with this Article.
- C. Approved Devices: Any backflow prevention assembly required herein shall be a make, model and size approved by the Oregon Health Department. The term "Approve Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by ORS 448.115 - 448.990 and OAR Chapter 333 and by the American Water Works Association entitled: AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assembly and further updates and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: Specifications of Backflow Prevention Assembly - Section 10 of the most current edition of the Manual of Cross-Connection Control and any further updates thereof. Final approval shall be evidenced by a "Certificate of Compliance" for the said AWWA standards, or "Certificate of Approval" for the said USC FCCCHR Specifications issued by an approved testing laboratory. The following testing laboratory has been qualified by the Water Commissioner to test and approve backflow prevention assemblies: Foundation for Cross-Connection Control and Hydraulic Research University of Southern California KAP-2.00 University Park MC-2531 Los Angeles, California 90089-2531. Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Oregon Department of Health.
- D. Periodic Testing: At their own expense consumers or property owners shall where backflow prevention assemblies are installed have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the City or the ~~District~~ System deems the hazard to be great enough additional field tests at more frequent intervals may be required. These assemblies shall be repaired or replaced at the expense of the consumer whenever said

assemblies are found to be defective. Records of such tests and repairs shall be kept and documentation provided to the City or the ~~District~~System.

**SECTION 29:** AMENDMENT “2.12.040 Penalties” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.12.040 Penalties

The consumer and owner shall be responsible for all damages to the City's or District's drinking water system and all other damages resulting from the consumer's violation of this Article.

AFTER AMENDMENT

2.12.040 Penalties

The consumer and owner shall be responsible for all damages to the City's or ~~District~~System's drinking water system and all other damages resulting from the consumer's violation of this Article.

**SECTION 30:** AMENDMENT “3.02.170 Waste” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.02.170 Waste

Water must not be allowed to run to waste in order to prevent freezing, or kept running at any time longer than necessary for its proper use. No reduction will be made in charges for water for want of supply or wastage caused by freezing or leakage.

AFTER AMENDMENT

3.02.170 Waste

Water ~~should~~must not be allowed to run to waste in order to prevent freezing, or kept running at any time longer than necessary for its proper use. No reduction will be made in charges for water for want of supply or wastage caused by freezing or leakage except in accordance with the policy approved by City Council.

**SECTION 31:**        **AMENDMENT** “3.04.050 Billing And Collection Of Fee” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

3.04.050 Billing And Collection Of Fee

- A. The street maintenance fee shall be billed and collected with, and as part of, the water and sewer bill for those properties utilizing City water and/or sewer. In cases where a developed property is subject to water and/or sewer utility charges, the street maintenance fee bill shall be directed to the same person as the bill for water and/or sewer charges. If a tenant in possession of any premises pays such fee, such payment arrangement shall not relieve the owner from such obligation and lien.
- B. All charges shall be deemed delinquent if not paid by the 10th of the month in which it is billed. If such charges are not paid by the 25th day of the month in which it is billed, an additional charge of 5% of the unpaid balance per month shall be added to the bill.
- C. The City Recorder shall deposit all such fees so collected into the Street Reserve Fund to be separately kept and used for the purposes provided herein. Partial payments on utility bills shall be allocated first to the street maintenance fee. If charges are not paid by the 25th day of the month in which it is billed, the City, at its option, and after due notice to the consumer, may discontinue water service to the premises served.
- D. There shall be no annual prepayment discount for the Street Maintenance Fee.

**AFTER AMENDMENT**

3.04.050 Billing And Collection Of Fee

- A. The street maintenance fee shall be billed and collected with, and as part of, the water and sewer bill for those properties utilizing City water and/or sewer. In cases where a developed property is subject to water and/or sewer utility charges, the street maintenance fee bill shall be directed to the same person as the bill for water and/or sewer charges. If a tenant in possession of any premises pays such fee, such payment arrangement shall not relieve the owner from such obligation and lien.
- B. All charges shall be deemed delinquent if not paid by the 10th of the month in which it is billed. If such charges are not paid by the 25th day of the month in which it is billed, an additional charge of 5% of the unpaid balance per month shall be added to the bill.
- C. The City ~~Recorder~~ Manager shall deposit all such fees so collected into the Street Reserve Fund to be separately kept and used for the purposes provided herein. Partial payments on utility bills shall be allocated first to the street maintenance fee. If charges are not paid by the 25th day of the month in which it is billed, the City, at its option, and after due notice to the consumer, may discontinue water service to the premises served.
- D. There shall be no annual prepayment discount for the Street Maintenance Fee.

**SECTION 32:**            **AMENDMENT** “3.06.430 Franchise Fees” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

3.06.430 Franchise Fees

As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the city, the grantee shall pay a quarterly franchise fee to the city, through the duration of its franchise, as follows:

- A. The minimum quarterly franchise fee shall be set by resolution of the council.
- B. The franchise fee for a telecommunication utility shall equal 4% of its gross revenue on exchange access services earned within the boundaries of the city.
- C. Except for limited use telecommunication grantees, the franchise fee shall equal a percent of the grantee's gross revenues derived from grantee's provision of telecommunications services and telecommunications facilities to retail customers and four percent (4%) on all other gross revenues derived from grantee's provision of telecommunications services and telecommunications facilities to wholesale customers, including other telecommunications carriers, if such customers or carriers are also telecommunication grantees under this Article. If such customers or carriers are not grantees, then the franchise fee shall equal the fee for retail customers. The amount of the percent for retail customers shall be set by resolution of the council.
- D. The annual franchise fee collectable from a telecommunications utility shall not exceed the maximum amount under Oregon Law. The city shall accept from a telecommunications utility, in full payment of the franchise fee, the maximum amount allowed under Oregon law. On request, the telecommunications utility must provide documentation to support its calculation.
- E. Grantee shall be "providing" telecommunications services or facilities if it sells, leases, resells, or otherwise conveys such services or facilities for consideration.
- F. A grantee providing resold telecommunications services or facilities shall be entitled to a credit against its franchise fee for an amount equal to a percentage of the price paid for such services or facilities at wholesale. Such percentage shall be set by resolution of the council.
- G. So long as it registers with the city as required and pays the fees required for grantees set forth in paragraphs A and B above, a reseller may use another person's facilities to engage in telecommunications activities in the right-of-way without obtaining a franchise, providing the reseller does not, either itself or through an affiliate, own or lease, control or manage any facilities in the right-of-way and is not involved in construction or repair of facilities in the right-of-way. For purposes of calculating the fees to be paid by a reseller, the amount of compensation paid by the reseller to the owner or manager of facilities in the right-of-way for the services it resells shall be deducted from the reseller's gross revenues before applying the percentage rates

described in paragraph C above.

- H. Payment shall be made by each April 30, July 31, October 31 and January 31 for the quarter just ended. Any grantee who fails to remit any fee imposed by this chapter within 30 days of the date it is due, shall pay interest at the rate of one and one-half percent (1 1/2%) per month or fraction thereof on the amount of the fee from the date on which the remittance first became due until paid.

## AFTER AMENDMENT

### 3.06.430 Franchise Fees

As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the city, the grantee shall pay a quarterly franchise fee to the city, through the duration of its franchise, as follows:

- A. The minimum quarterly franchise fee shall be set by resolution of the council.
- B. The franchise fee for a telecommunication utility shall equal ~~5~~4% of its gross revenue on exchange access services earned within the boundaries of the city.
- C. Except for limited use telecommunication grantees, the franchise fee shall equal a percent of the grantee's gross revenues derived from grantee's provision of telecommunications services and telecommunications facilities to retail customers and ~~five~~four percent (~~5~~4%) on all other gross revenues derived from grantee's provision of telecommunications services and telecommunications facilities to wholesale customers, including other telecommunications carriers, if such customers or carriers are also telecommunication grantees under this Article. If such customers or carriers are not grantees, then the franchise fee shall equal the fee for retail customers. The amount of the percent for retail customers shall be set by resolution of the council.
- D. The annual franchise fee collectable from a telecommunications utility shall not exceed the maximum amount under Oregon Law. The city shall accept from a telecommunications utility, in full payment of the franchise fee, the maximum amount allowed under Oregon law. On request, the telecommunications utility must provide documentation to support its calculation.
- E. Grantee shall be "providing" telecommunications services or facilities if it sells, leases, resells, or otherwise conveys such services or facilities for consideration.
- F. A grantee providing resold telecommunications services or facilities shall be entitled to a credit against its franchise fee for an amount equal to a percentage of the price paid for such services or facilities at wholesale. Such percentage shall be set by resolution of the council.
- G. So long as it registers with the city as required and pays the fees required for grantees set forth in paragraphs A and B above, a reseller may use another person's facilities to engage in telecommunications activities in the right-of-way without obtaining a franchise, providing the reseller does not, either itself or through an affiliate, own or lease, control or manage any facilities in the right-of-way and is not involved in construction or repair of facilities in the right-of-way. For purposes of calculating the fees to be paid by a reseller, the amount of compensation paid by the reseller to the owner or manager of facilities in the right-of-way for the services it resells shall be

deducted from the reseller's gross revenues before applying the percentage rates described in paragraph C above.

- H. Payment shall be made ~~on a quarterly basis within forty-five (45) days of by each April 30, July 31, October 31 and January 31~~ for the quarter just ended. Any grantee who fails to remit any fee imposed by this chapter within 30 days of the date it is due, shall pay interest at the rate of one and one-half percent (1 1/2%) per month or fraction thereof on the amount of the fee from the date on which the remittance first became due until paid.

**SECTION 33:**            **AMENDMENT** “3.07.050 Franchise Fee” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 3.07.050 Franchise Fee

As compensation for the right, privilege and franchise hereby granted, and for the length of this franchise, the franchise shall pay quarterly to the City Recorder of Bay City an amount equivalent to three and a half (3 ½%) percent of the grantee’s “gross revenues” as defined herein until November 30, 2023. December 1, 2023, the Franchise Fee will increase to five percent (5%). The term ‘gross revenues’ as used herein shall mean and be construed as the amount of money actually collected by the Franchisee from its Bay City customers during the quarter of time in question except that portion of money collected on behalf of Tillamook County for the operation of solid waste program. The Franchisee shall keep accurate books of account and the City shall have the right to inspect the same at all times during business hours and from time to time to audit the same for the purpose of determining such gross revenues. The City Council may set a fixed sum to be paid in lieu of the franchise fee percentage.

#### AFTER AMENDMENT

##### 3.07.050 Franchise Fee

As compensation for the right, privilege and franchise hereby granted, and for the length of this franchise, the franchise shall pay quarterly to the City ~~Recorder~~ Manager of Bay City an amount equivalent to ~~three and a half~~ five (3-½%) percent of the grantee’s “gross revenues” as defined herein. ~~until November 30, 2023. December 1, 2023, the Franchise Fee will increase to five percent (5%).~~ The term ‘gross revenues’ as used herein shall mean and be construed as the amount of money actually collected by the Franchisee from its Bay City customers during the quarter of time in question except that portion of money collected on behalf of Tillamook County for the operation of solid waste program. The Franchisee shall keep accurate books of account and the City shall have the right to inspect the same at all times during business hours and from time to time to audit the same for the purpose of determining such gross revenues. The City Council may set a fixed sum to be paid in lieu of the franchise fee percentage.

**SECTION 34:**            **AMENDMENT** “3.07.080 Rates” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

3.07.080 Rates

The rates for service under this ordinance shall be those rates set by Resolution 17-04. Said rates shall remain in effect until a change in rates is approved by the City by resolution and after public hearing. The City shall establish from time to time rate changes by resolution. In determining the appropriate rate to be charged by the Franchisee, the City may consider any or all of the following:

- A. The cost of performing the service to be provided by the Franchisee.
- B. The anticipated increase in the cost of providing this service.
- C. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state, local law, ordinances and regulations; or technological change.
- D. The investment of the Franchisee and the value of the business and the necessity that the Franchisee has a reasonable rate of return.
- E. The rates charged in other cities of similar size in the area for similar service.
- F. The public interest in assuring reasonable rates to enable the Franchisee to provide efficient and beneficial service to the residence and other users of the service.
- G. The local wage scale, cost of management facilities and landfill and dumping fees or charges and the price of gasoline.
- H. Any profit or cost savings resulting from recycling, and any additional costs resulting from recycling.
- I. Any other information necessary for rate review.

**AFTER AMENDMENT**

3.07.080 Rates

The rates for service under this ordinance shall be those rates set by Resolution 17-04. Said rates shall remain in effect until a change in rates is approved by the City by resolution and after public hearing. The City shall establish from time to time rate changes by resolution. In determining the appropriate rate to be charged by the Franchisee, the City may consider any or all of the following:

- A. The cost of performing the service to be provided by the Franchisee.
- B. The anticipated increase in the cost of providing this service.
- C. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state, local law, ordinances and regulations; or technological change.

- D. The investment of the Franchisee and the value of the business and the necessity that the Franchisee has a reasonable rate of return.
- E. The rates charged in other cities of similar size in the area for similar service.
- F. The public interest in assuring reasonable rates to enable the Franchisee to provide efficient and beneficial service to the residence and other users of the service.
- G. The local wage scale, cost of management facilities and landfill and dumping fees or charges and the price of ~~gasoline~~fuel.
- H. Any profit or cost savings resulting from recycling, and any additional costs resulting from recycling.
- I. Any other information necessary for rate review.

**SECTION 35:**            **AMENDMENT** “5.04.170 Injury To Or Removal Of Property” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.170 Injury To Or Removal Of Property

- A. No person, without proper authority, shall cut, remove, deface, or in any manner injure or damage real or personal property of the City within or without the corporate limits.
- B. No person, without proper authority, shall willfully deface, injure, tamper with, break or destroy property, real or personal, belonging to or under the control of another.
- C. Any person found responsible for damage or vandalism to City property will be held financially responsible for the repaired or replacement of the damaged items.

AFTER AMENDMENT

5.04.170 Injury To Or Removal Of Property

- A. No person, without proper authority, shall cut, remove, deface, or in any manner injure or damage real or personal property of the City ~~within or without the corporate limits~~.
- B. No person, without proper authority, shall willfully deface, injure, tamper with, break or destroy property, real or personal, belonging to or under the control of another.
- C. Any person found responsible for damage or vandalism to City property will be held financially responsible for the repaired or replacement of the damaged items.

**SECTION 36:**            **AMENDMENT** “5.04.210 Mashing” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.210 Mashing

AFTER AMENDMENT

5.04.210 ~~Mashing~~ Inappropriate advances or remarks

**SECTION 37:** AMENDMENT “7.06.110 Modifications” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.06.110 Modifications

The Chief of the Bay City Fire Department, or his/her designee, shall have the power to modify any of the provisions of the Fire Code (Section 7.06), upon application in writing by the owner or lessee, or a duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Fire Code, provided that the spirit of the Fire Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted, shall be entered into the records of the Fire Department and a signed copy shall be furnished to the applicant and to the Council.

AFTER AMENDMENT

7.06.110 Modifications

The Chief of the Bay City Fire Department, or his/her designee, shall have the power to modify any of the provisions of the Fire Code (Section 7.06.040 through 7.06.100), upon application in writing by the owner or lessee, or a duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Fire Code, provided that the spirit of the Fire Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted, shall be entered into the records of the Fire Department and a signed copy shall be furnished to the applicant and to the Council.

**SECTION 38:** AMENDMENT “7.06.130 Burn Permit” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.06.130 Burn Permit

It shall be unlawful for any person, at any time, to ignite or maintain a fire out-of-doors, within the City limits, without having first obtained a written permit signed by the Bay City Fire Chief or his/her designee, except training burns designated as such by the Fire Chief.

- A. Burn permits shall be issued for three categories of burns;
  - 1. Burn Barrels: Burn barrels shall have a covering for the top of the barrel with heavy wire mesh screen with an opening of the mesh not more than 3/8".
  - 2. Open Burning: Open burning is allowed on the applicant's property, but the burn pile must be inspected by the Fire Chief or his/her designee before burning if the size of the burn pile exceeds 108 cu. feet. (3'x6'x6'). When the size of the pile exceeds these dimensions the Fire Chief or his/her designee may require additional safeguards in the burn permit to allow the burn. It shall be then up to the applicant as to when the actual burn shall occur, in compliance with the terms of the burn permit.
  - 3. Slash Burn: When planning to burn logging slash, ie., logs, stumps, and associated brush and limbs, applicant shall contact the Fire Chief and submit a written detailed plan for burning. Applicant may be required to have equipment and water protection on site during burning operations, as well as additional safeguards in the burn permit to allow the burn. It shall be the responsibility of the applicant to apply with all terms and conditions of the burn permit. No burning shall be allowed during periods of prolonged drying or anticipated prolonged drying.
- B. Burn Restrictions: It is the responsibility of all permit holders to check the front of the Fire Station or call the City Hall to confirm that burning is allowed of the day of the actual burn.
- C. Burn permits expire at 11:59 p.m. on December 31 of the year in which the permit is issued.
- D. All fires out of doors shall comply with all conditions set forth in the issued burn permit.

## AFTER AMENDMENT

### 7.06.130 Burn Permit

It shall be unlawful for any person, at any time, to ignite or maintain a fire out-of-doors, within the City limits, without having first obtained a written permit signed by the Bay City Fire Chief or his/her designee, except training burns designated as such by the Fire Chief.

- A. Burn permits shall be issued for three categories of burns;
  - 1. Burn Barrels: Burn barrels shall have a covering for the top of the barrel with heavy wire mesh screen with an opening of the mesh not more than 3/8".
  - 2. Open Burning: Open burning is allowed on the applicant's property, but the burn pile must be inspected by the Fire Chief or his/her designee before burning if the size of the burn pile exceeds 108 cu. feet. (3'H x 6'W x 6'L). Piles larger than this shall require inspection by a fire officer and will require a Class 3 Provisional Hazard Permit per Section 7.06.130.A.3. ~~When the size of the pile exceeds these dimensions the Fire Chief or his/her designee may require additional safeguards in the burn permit to allow the burn. It shall be then up to the applicant as to when the actual burn shall occur, in compliance with the terms of the burn permit.~~

3. ~~Slash-Burn~~ Provisional Hazard or any pile arger than Class 1: When planning to burn logging slash, ie., logs, stumps, and associated brush and limbs, applicant shall contact the Fire Chief and submit a written detailed plan for burning. Applicant may be required to have equipment and water protection on site during burning operations, as well as additional safeguards in the burn permit to allow the burn. It shall be the responsibility of the applicant to apply with all terms and conditions of the burn permit. No burning shall be allowed during periods of prolonged drying or anticipated prolonged drying.
- B. Burn Restrictions: It is the responsibility of all permit holders to check the front of the Fire Station or call the City Hall to confirm that burning is allowed of the day of the actual burn.
- C. Burn permits expire at 11:59 p.m. on December 31 of the year in which the permit is issued.
- D. All fires out of doors shall comply with all conditions set forth in the issued burn permit.

**SECTION 39:**            **ADOPTION** “7.08.175 Washing Of Vehicles Or Boats In City Parks” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.08.175 Washing Of Vehicles Or Boats In City Parks (Non-existent)

AFTER ADOPTION

7.08.175 Washing Of Vehicles Or Boats In City Parks(*Added*)

No washing of vehicles or boats is allowed in any City park, including the campground area of Al Griffin Memorial Park.

**SECTION 40:**            **AMENDMENT** “7.08.200 RV Dump Usage” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.08.200 RV Dump Usage

The RV dump shall only be utilized by those persons camping in the park who have paid the overnight camping fee. All other use of the RV dump facilities is prohibited.

AFTER AMENDMENT

7.08.200 RV Dump Usage

The RV dump hookups in the Campground shall only be utilized by those persons camping in the park who have paid the overnight camping fee. All other use of the RV dump facilities in the Campground is prohibited.

**SECTION 41:** ADOPTION “7.08.300 RV Dump Station” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.08.300 RV Dump Station (Non-existent)

AFTER ADOPTION

7.08.300 RV Dump Station(*Added*)

The RV Dump Station shall only be used in accordance with the rules posted on site, and following payment of the required amount.

**SECTION 42:** AMENDMENT “7.08.300 Penalties” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.08.300 Penalties

AFTER AMENDMENT

7.08.~~300~~400 Penalties

**SECTION 43:** AMENDMENT “8.02.010 License Required; Fee” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.010 License Required; Fee

Every person, firm, or corporation who, in Bay City engages in the business of buying, selling or dealing in antiques, junk, metal or metal articles, bottles, glass, paper and/or wooden articles usually found in junk shops or antique shops or secondhand personal property, goods, wares and merchandise of any kind or nature, shall, before engaging in such business, procure a license from Bay City and shall pay for each place of business so conducted a license fee of ten (\$10.00) dollars per year. Such license shall not be transferable and shall expire on December 31 of the year for which it is issued. Non-business personal garage sales, rummage sales for charity purposes and estate sales are specifically exempt from this licensing requirement.

#### AFTER AMENDMENT

##### 8.02.010 License Required; Fee

Every person, firm, or corporation who, in Bay City engages in the business of buying, selling or dealing in antiques, junk, metal or metal articles, bottles, glass, paper and/or wooden articles usually found in junk shops or antique shops or secondhand personal property, goods, wares and merchandise of any kind or nature, shall, before engaging in such business, procure a license from Bay City and shall pay for each place of business so conducted a license fee of ~~ten (\$10.00) dollars per year~~ in accordance with Section 8.01.080. Such license shall not be transferable and shall expire on December 31 of the year for which it is issued. Non-business personal garage sales, rummage sales for charity purposes and estate sales are specifically exempt from this licensing requirement.

**SECTION 44:** AMENDMENT “8.04.020 Application For Licenses” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 8.04.020 Application For Licenses

It shall be unlawful for any solicitor, hawker or peddler to engage in business or to do any of the acts described in Section 8.04.010 without first making application for and obtaining a license as provided by this Article.

#### AFTER AMENDMENT

##### 8.04.020 Application For Licenses

It shall be unlawful for any solicitor, hawker or peddler to engage in business or to do any of the acts described in Section 8.04.010 without first making application for and obtaining a license as provided by this Article and according to Section 8.01.

**SECTION 45:**        **AMENDMENT** “8.04.030 Fees” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.030 Fees

The license fee for solicitors, hawkers and peddlers hereunder shall be \$50.00 per fiscal year or fraction thereof, payable in advance, for each person so engaged as defined in Section 8.04.010.

AFTER AMENDMENT

8.04.030 Fees

The license fee for solicitors, hawkers and peddlers hereunder shall be ~~\$50.00 per fiscal year or fraction thereof~~ the same as for business licenses, per Section 8.01.080, payable in advance, for each person so engaged as defined in Section 8.04.010.

**SECTION 46:**        **AMENDMENT** “8.04.050 Issuance Of License” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.050 Issuance Of License

The city recorder shall determine, within 30 days investigation, that the facts set forth in the application are true, such applicant is of good moral character, and that he proposes to engage in lawful and legitimate commercial or professional enterprise, he shall then approve the application; and the city recorder may issue the license applied for. Such license shall expire on June 30 in the fiscal year in which such license shall have been issued. Except as hereinafter provided, no license shall be issued until the conclusion of the investigation.

AFTER AMENDMENT

8.04.050 Issuance Of License

The ~~C~~city ~~reeorder~~ Manager shall determine, within 30 days investigation, that the facts set forth in the application are true, such applicant is of good moral character, and that he or she proposes to engage in lawful and legitimate commercial or professional enterprise, he or she shall then approve the application; and the ~~C~~city ~~reeorder~~ Manager may issue the license applied for. Such license shall expire on ~~June 30~~ December 31st in the ~~fiscal~~ year in which such license shall have been issued. Except as hereinafter provided, no license shall be issued until the conclusion of the investigation.

**SECTION 47:            AMENDMENT** “8.04.070 Revocation” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.070 Revocation

Any such license may be revoked by the city council for the violation or any violation by the employer or employee of any of the Articles of the city or of any state or federal law, or whenever such person shall, in the judgment of the city council, cease to possess the character and qualification required by this Article for the issuance of such permit. The applicant shall have a right to a public hearing, with adequate prior public notice of the meeting.

AFTER AMENDMENT

8.04.070 Revocation

Any such license may be revoked by the ~~e~~City ~~e~~Council for the violation or any violation by the employer or employee of any of the Articles of the city or of any state or federal law, or whenever such person shall, in the judgment of the city council, cease to possess the character and qualification required by this Article for the issuance of such permit. The applicant shall have a right to a public hearing, with adequate prior public notice of the meeting.

**SECTION 48:            AMENDMENT** “8.04.080 Bond” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.080 Bond

Any applicant for a license shall deposit with the city recorder of the city of Bay City a cash undertaking with one sufficient surety, or a commercial surety bond in the sum of \$2,500.00. The bond or undertaking shall be conditioned upon the making of final delivery of the goods ordered or sold or services performed or to be performed in accordance with the terms of the order of the sales order, or, failing that, the advance payment on a sales order shall be refunded. Any person aggrieved by the actions of any solicitor, hawker, or peddler shall have the right of action on the bond for the recovery of the money or damages or both. Such bond shall remain on deposit for a period of 180 days after the expiration of the license. A surety shall qualify in accordance with Oregon Rules of Civil Procedure 82.

#### AFTER AMENDMENT

##### 8.04.080 Bond

Any applicant for a license shall deposit with the ~~city recorder~~ City Manager of the ~~e~~City of Bay City a cash undertaking with one sufficient surety, or a commercial surety bond in the sum of \$2,500.00. The bond or undertaking shall be conditioned upon the making of final delivery of the goods ordered or sold or services performed or to be performed in accordance with the terms of the order of the sales order, or, failing that, the advance payment on a sales order shall be refunded. Any person aggrieved by the actions of any solicitor, hawker, or peddler shall have the right of action on the bond for the recovery of the money or damages or both. Such bond shall remain on deposit for a period of 180 days after the expiration of the license. A surety shall qualify in accordance with Oregon Rules of Civil Procedure 82.

**SECTION 49:**        AMENDMENT “8.08.050 Operator's Duties” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 8.08.050 Operator's Duties

Each operator shall collect the tax imposed by Section 8.08.040 at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator or that the tax will not be added to the rent or that, when added, any part will be refunded except in the manner provided by this chapter.

#### AFTER AMENDMENT

##### 8.08.050 Operator's Duties

Each operator shall collect the tax imposed by Section 8.08.040 at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator ~~of a hotel~~ shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator or that the tax will not be added to the rent or that, when added, any part will be refunded except in the manner provided by this chapter. The operator may include the tax in the price advertised.

**SECTION 50:** AMENDMENT “8.08.080 Due Date Of Operator Payments” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.080 Due Date Of Operator Payments

All taxes collected by any operator, less the 5 percent (5%) Collection Reimbursement Charge, are due and payable to the City of Bay City on a calendar quarter basis on the fifteenth day of the first month following the end of the preceding calendar quarter (April 15, July 15, October 15 and January 15) and are delinquent on the last day of the month in which they are due.

AFTER AMENDMENT

8.08.080 Due Date Of Operator Payments

All taxes collected by any operator, less the 5 percent (5%) Collection Reimbursement Charge, are due and payable to the City of Bay City on a calendar quarter basis ~~on~~ by the fifteenth last day of the first month following the end of the preceding calendar quarter (April ~~15~~30, July ~~15~~31, October ~~15~~31 and January ~~15~~31) and are delinquent on the last day of the month in which they are due.

**SECTION 51:** AMENDMENT “8.08.090 Returns” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.090 Returns

On or before the fifteenth day of the month following each calendar quarter of collection, a return for the preceding quarter's tax collections shall be filed by each operator with the City Manager. The return shall be filed in such form as the City Manager may prescribe by every operator liable for payment of tax.

A. Returns shall show the amount of tax collected or otherwise due for the related period.

The City Manager may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of those amounts and the amount of the rents exempt, if any.

- B. The operator shall deliver the return, together with the remittance of the amount of the tax due, to the City Manager, either by personal delivery or by mail.
- C. The return shall be signed by the operator and certified as being true and accurate.

#### AFTER AMENDMENT

##### 8.08.090 Returns

On or before the ~~fifteenth~~ last day of the month following each calendar quarter of collection, a return for the preceding quarter's tax collections shall be filed by each operator with the City Manager. The return shall be filed in such form as the City Manager may prescribe by every operator liable for payment of tax.

- A. Returns shall show the amount of tax collected or otherwise due for the related period. The City Manager may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of those amounts and the amount of the rents exempt, if any.
- B. The operator shall deliver the return, together with the remittance of the amount of the tax due, to the City Manager, either by personal delivery, ~~or~~ by mail, or by email.
- C. The return shall be signed by the operator and certified as being true and accurate.

**SECTION 52:**            **AMENDMENT** “8.10.090 Single-Family Short-Term Rentals Standards” of the Bay City Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 8.10.090 Single-Family Short-Term Rentals Standards

All Single-Family STRs shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other Bay City Ordinance or State law.

Each Single-Family STR owner must certify to the City in writing that the unit being rented complies with the following standards:

- A. Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.
- B. The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Article.

- C. The contact person shall notify every renter, in writing, of the quiet times and that a owner and/or renter may be fined for violations under this Article.
- D. The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.
- E. The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):
  - 1. Signage: If the Single-Family STR has a sign identifying it as a short-term rental, then the current name and phone number of the contact person shall either appear on the sign or otherwise be conspicuously posted so that it is visible from outside the front entrance of the short-term rental. If this option is invoked, the required signage must be maintained in compliance with this Article and Chapter 10 in perpetuity, or until the dwelling is no longer being utilized as a short-term rental.
  - 2. Written Notification: If the Single-Family STR does not have a sign identifying it as a short-term rental, then the name and phone number of the contact person shall be posted as described in this Article. In addition, the owner shall provide written notice to the Bay City Hall and to each dwelling owner located within two hundred fifty feet (250') of the short-term rental of the name and the phone number of the designated contact person. In this case, the owner shall provide such written notice each time there is a change to the name or phone number of the designated contact person.
- F. Approved Single-Family STR License Display: The STR License issued by the city shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the STR License will contain the following information:
  - 1. A number or other identifying mark unique to the vacation rental dwelling STR License and which indicates the STR License is issued by Bay City, with the date of expiration;
  - 2. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
  - 3. The telephone number and web site address of Bay City and the Tillamook County Sherriff's Office;
  - 4. The maximum number of vehicles allowed parked on the property;
  - 5. The solid waste collection day;
  - 6. Required Bay City quiet hours from 10:00 pm to 7:00 am; and
  - 7. Any other information required to be included in the displayed STR License including any conditions specific to the STR License.
- G. The owner shall provide covered garbage containers that can be secured by means approved by the local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. Garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short-term rental is not rented. The contact person shall provide guests with information about recycling opportunities.

NOTE: THE FOLLOWING ITEMS (ITEMS 8-15) SHALL BE PHOTOGRAPHED WITH COPIES SUBMITTED TO THE CITY WITH THE SINGLE FAMILY STR LICENSE APPLICATION:

- H. At least one (1) functioning fire extinguisher shall be accessible within the dwelling unit. If the STR has more than one floor, one (1) functioning fire extinguisher shall be located on each floor.
- I. The electrical panel shall have all circuits labeled.
- J. Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
- K. A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen feet (15') of each sleeping area.
- L. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- M. All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
- N. All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
- O. Emergency Escape and Rescue Openings:
  - 1. For all dwelling units constructed after the effective date of this Article every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.
  - 2. Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").
  - 3. For all dwelling units constructed prior to the effective date of this Article, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with this Section. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code.
  - 4. Every sleeping area in a short-term rental that does not comply with this Section shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the STR. The contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.
  - 5. At any time after a license has been granted for an STR pursuant to this Article, the owner upon submission of zoning and building permits may bring a non-compliant sleeping area into compliance and upon a re-certification of compliance by the Tillamook County Building Official pursuant to the

currently adopted Oregon Residential Specialty Code, and a new STR license shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.

- P. The Following Items Shall be Addressed in the Short-Term Rental Application:
  - 1. All plug ins and light switches shall have face plates.
  - 2. Ground Fault Circuit Interrupter (GFI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- Q. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
- R. Short-term Rental Served by Sewer: The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
- S. There shall be a minimum of one (1) parking space available for each approved sleeping area in a short-term rental, plus one (1) additional parking space. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Street Improvements to City Standards may be required to meet parking standards. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on street parking for each short-term rental property. Renters may be cited and fined under existing State law or under applicable City Ordinances in the event they park illegally.
- T. The contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.
- U. A house number, visible from the street, shall be maintained.
- V. Pets:
  - 1. Pets shall be restricted from continuous or excessive barking.
  - 2. Pets shall be kept on leashes or contained to limited area when outside of the STR structure.
- W. Exterior Lighting and Security Lighting: Lighting onsite shall be the minimum necessary wattage to illuminate a specific area, such as an entry or walkway. Exterior lights and security lights shall be shielded so as not to cast glare on adjacent property. Glare from exterior lights or security lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property. All lighting shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.
- X. All Single-Family STR's Shall Have the Following:
  - 1. An emergency "Go Bag" that contains emergency supplies for 72-hours for two (2) people based on recommendations by the Red Cross;

2. Tsunami Map displaying emergency escape route which can be picked up at City Hall.
- Y. Commercial Liability Insurance is Required for a Single-Family STR: A Certificate of Insurance naming the City of Bay City as an additional insured shall be submitted to the City.

#### AFTER AMENDMENT

##### 8.10.090 Single-Family Short-Term Rentals Standards

All Single-Family STRs shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other Bay City Ordinance or State law.

Each Single-Family STR owner must certify to the City in writing that the unit being rented complies with the following standards:

- A. Property address must be clearly displayed in the interior and displayed on the exterior of the dwelling in accordance with the Oregon Fire Code.
- B. The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time. Renters who violate this standard may be issued a citation and be subject to a fine pursuant to this Article.
- C. The contact person shall notify every renter, in writing, of the quiet times and that a owner and/or renter may be fined for violations under this Article.
- D. The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.
- E. The name and phone number of the contact person shall either be posted or provided in one or more of the following manner(s):
  1. Signage: If the Single-Family STR has a sign identifying it as a short-term rental, then the current name and phone number of the contact person shall either appear on the sign or otherwise be conspicuously posted so that it is visible from outside the front entrance of the short-term rental. If this option is invoked, the required signage must be maintained in compliance with this Article and Chapter 10 in perpetuity, or until the dwelling is no longer being utilized as a short-term rental.
  2. Written Notification: If the Single-Family STR does not have a sign identifying it as a short-term rental, then the name and phone number of the contact person shall be posted as described in this Article. In addition, the owner shall provide written notice to the Bay City Hall and to each dwelling owner located within two hundred fifty feet (250') of the short-term rental of the name and the phone number of the designated contact person. In this case, the owner shall provide such written notice each time there is a change to the name or phone number of the designated contact person. This notification must be completed with each (annual) renewal as well.
- F. Approved Single-Family STR License Display: The STR License issued by the city

shall be affixed to a wall within the interior of the dwelling adjacent to the front door. At a minimum, the STR License will contain the following information:

1. A number or other identifying mark unique to the vacation rental dwelling STR License and which indicates the STR License is issued by Bay City, with the date of expiration;
  2. The name of the owner or local representative and a telephone number where the owner or local representative may be contacted at all times;
  3. The telephone number and web site address of Bay City and the Tillamook County Sheriff's Office;
  4. The maximum number of vehicles allowed parked on the property;
  5. The solid waste collection day;
  6. Required Bay City quiet hours from 10:00 pm to 7:00 am; and
  7. Any other information required to be included in the displayed STR License including any conditions specific to the STR License.
- G. The owner shall provide covered garbage containers that can be secured by means approved by the local franchised garbage hauler. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. Garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short-term rental is not rented. The contact person shall provide guests with information about recycling opportunities.

NOTE: THE FOLLOWING ITEMS (ITEMS 8-15) SHALL BE PHOTOGRAPHED WITH COPIES SUBMITTED TO THE CITY WITH THE SINGLE FAMILY STR LICENSE APPLICATION:

- H. At least one (1) functioning fire extinguisher shall be accessible within the dwelling unit. If the STR has more than one floor, one (1) functioning fire extinguisher shall be located on each floor.
- I. The electrical panel shall have all circuits labeled.
- J. Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
- K. A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short-term rental and within fifteen feet (15') of each sleeping area.
- L. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- M. All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
- N. All interior and exterior guardrails, such as deck railings, must be able to withstand a two-hundred-pound (200#) impact force.
- O. Emergency Escape and Rescue Openings:
1. For all dwelling units constructed after the effective date of this Article every sleeping area shall have at least one (1) operable emergency escape and rescue

opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way.

2. Minimum net clear opening at grade floor openings shall be five (5) square feet and five point seven (5.7) square feet at upper floors. Minimum net clear height is twenty-four inches (24") and net clear width is twenty inches (20").
  3. For all dwelling units constructed prior to the effective date of this Article, every sleeping area shall have at least one (1) operable emergency escape and rescue opening that complies with this Section. If no such emergency escape or rescue opening exists, then an alternative may be accepted by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code.
  4. Every sleeping area in a short-term rental that does not comply with this Section shall not be used as a sleeping area and shall be equipped with a door that remains locked at all times when the dwelling unit is being used as a short-term rental. Such a noncompliant sleeping area shall not be included in the maximum occupancy calculation for the STR. The contact person shall notify every renter, in writing, that the non-compliant sleeping area may not be used for sleeping.
  5. At any time after a license has been granted for an STR pursuant to this Article, the owner upon submission of zoning and building permits may bring a non-compliant sleeping area into compliance and upon a re-certification of compliance by the Tillamook County Building Official pursuant to the currently adopted Oregon Residential Specialty Code, and a new STR license shall be issued that includes the increase in maximum occupancy associated with bringing a non-compliant sleeping area into compliance.
- P. The Following Items Shall be Addressed in the Short-Term Rental Application:
1. All plug ins and light switches shall have face plates.
  2. Ground Fault Circuit Interrupter (GFI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- Q. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
- R. Short-term Rental Served by Sewer: The maximum occupancy for a short-term rental unit shall be calculated on the basis of an average of two (2) persons per sleeping area plus an additional two (2) persons. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short-term rental.
- S. There shall be a minimum of one (1) parking space available for each approved sleeping area in a short-term rental, plus one (1) additional parking space. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Street Improvements to City Standards may be required to meet parking standards. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but

shall not exceed the allowable on street parking for each short-term rental property. Renters may be cited and fined under existing State law or under applicable City Ordinances in the event they park illegally.

- T. The contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short-term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.
- U. A house number, visible from the street, shall be maintained.
- V. Pets:
  - 1. Pets shall be restricted from continuous or excessive barking.
  - 2. Pets shall be kept on leashes or contained to limited area when outside of the STR structure.
- W. Exterior Lighting and Security Lighting: Lighting onsite shall be the minimum necessary wattage to illuminate a specific area, such as an entry or walkway. Exterior lights and security lights shall be shielded so as not to cast glare on adjacent property. Glare from exterior lights or security lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property. All lighting shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets, the night sky, or adjacent property.
- X. All Single-Family STR's Shall Have the Following:
  - 1. An emergency "Go Bag" that contains emergency supplies for 72-hours for two (2) people based on recommendations by the Red Cross;
  - 2. Tsunami Map displaying emergency escape route which can be picked up at City Hall.
- Y. Commercial Liability Insurance is Required for a Single-Family STR: A Certificate of Insurance naming the City of Bay City as an additional insured shall be submitted to the City.

**SECTION 53:**            **AMENDMENT** “8.10.140 Fees Established” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.140 Fees Established

Annual Business STR and Single-Family STR License Fees:

- A. An annual STR License fee is charged by the City, as set by resolution by the City Council. As part of the STR License renewal process, the annual STR License fee must be paid annually at the time of STR License issuance. If this dates is missed (after a 30-day grace period), a new STR License will need to be submitted. Approved STR License shall be posted at the site.

- B. At the time an owner submits an application for a STR License, the owner shall pay to the City a license fee as set by resolution.
- C. The fee for an annual renewal fee shall also be that fee set by City Council resolution.

AFTER AMENDMENT

8.10.140 Fees Established

Annual Business STR and Single-Family STR License Fees:

- A. An annual STR License fee is charged by the City, as set by resolution by the City Council. As part of the STR License renewal process, the annual STR License fee must be paid annually at the time of STR License issuance, at which time documentation must be submitted with the renewal application. If this dates is missed (after a 30-day grace period), a new STR License will need to be submitted. Approved STR License shall be posted at the site.
- B. At the time an owner submits an application for a STR License, the owner shall pay to the City a license fee as set by resolution.
- C. The fee for an annual renewal fee shall also be that fee set by City Council resolution.

**SECTION 54:**            **AMENDMENT** “8.10.150 Short Term Rental (STR) License Requirements And Revocation” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.150 Short Term Rental (STR) License Requirements And Revocation

All STR's shall comply with the following requirements. Any owner or contact person who violates any requirements or allows any requirements to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City Ordinance or State law.

- A. An STR License holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to STR License revocation so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall terminate.
- B. If the owner has transferred his or her property to a trust of which the owner is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in the City that has a STR License. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business

entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that is used for vacation rental or has a vacation rental dwelling STR License.

- C. An STR License holder may transfer ownership of the real property to the STR License holder, a spouse or domestic partner with the right of survivorship, and not be subject to STR License revocation; provided, that if the property subject to the STR License is in a residential zone, and that the spouse or domestic partner does not own an interest in another vacation rental dwelling in a residential zone.
- D. Annual License of STRs: The owner of an STR License shall obtain an annual revocable STR License under this Article to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use an STR.
- E. All owners of STRs within the City are required to register any units which are to be rented to third parties with the City, annually. All STR Licenses shall be submitted to the City by January 31 of the year the unit is registered, for on-going STRs. In the event that an owner begins renting their unit during the year, they shall register the unit prior to any rental of that unit.
- F. An STR License shall be issued for a period of one calendar year or portion thereof and may be renewed annually provided all applicable standards of this Article are met.
- G. The STR License shall be issued in the name of the property owner and is not transferable, except as described in paragraphs A-C above. The STR License shall terminate and be deemed void when the holder sells or transfers the property approved as an STR. Except for exempted transfers related to right of survivorship, the death of a STR License holder terminates the STR application. If upon the death of the STR License holder the ownership of the property transfers by operation of law to an executor or heir, then the STR License, subject to the STR License renewal process, shall provisionally continue in effect for a period of one year or until the heir or executor transfers the property to another person, whichever occurs first.
- H. The city shall approve an application for an STR or STR License renewal if all the following are met:
  - 1. The property proposed to be registered for an STR is located in the City and the owner does not have an ownership interest in any other property in the City used or approved for use as a STR.
  - 2. The City Manager has determined the property complies with this Article.
  - 3. The owner has provided information sufficient to verify a qualified person will be available to be contacted about use of the STR during and after business hours.
  - 4. The owner has agreed to comply with all STR License and operational standards including any conditions such as specific occupancy requirements.
  - 5. Any owner shall obtain a STR License prior to using the dwelling unit as an STR. Upon notification of the license requirement by the City of Bay City, continuing or subsequent instances of renting or advertising as a STR without a license shall be subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City Ordinance or State law. A license shall not be issued until fines related to a violation of this Article and outstanding Transient Lodging Taxes for the

subject property are paid in full.

- I. The owner of each existing STR shall apply for and pay the appropriate fee for a STR License. Within thirty (30) days of applying for the STR License, it is the contact person's responsibility to contact the City of Bay City to ensure that entry to the structure can be granted by a person eighteen (18) years of age or above.
- J. All STR Licenses shall be renewed annually by January 31st of each year and are subject to the annual fee.
- K. A licensed STR shall not be required to pass a new inspection when a license is renewed, except in the following cases:
  - 1. There has been a fire, flood or other event that caused substantial damage to the structure;
  - 2. The license was revoked;
  - 3. There has been an addition or substantial modification to the structure.
- L. If written notice is provided to the owner and the payment is not received by the renewal date, a notice that the City of Bay City intends to terminate the license shall be sent to the contact person (if applicable) and owner. This notice shall allow an additional thirty (30) days to comply with renewal provisions and shall specify that failure to comply will result in expiration of the license.
- M. Revocation of License:
  - 1. Violating any provision in this Article, as well as non-compliance with any term or condition of a STR License, violation of any other City Ordinance or violating any County or State law, may result in revocation of license, denial of an application to renew a license, enforcement and penalties as outlined in this Article. Licenses that are terminated for non-renewal or non-payment shall not be considered a revocation of a license.
  - 2. In the sole discretion of the City, where a Building Code or Ordinance violation exists at a STR that presents an immediate serious fire or life safety risk, the City may immediately revoke the STR License as an emergency revocation. The City shall provide written documentation of the violation and reason for revocation prior to leaving the inspection site.
  - 3. Upon an emergency revocation, the STR shall not be rented or used as a STR.
  - 4. At any time following the emergency revocation of a STR License pursuant to this paragraph, the City may reinstate the license upon a re-inspection by the City verifying that the subject Building Code or Article violation has been corrected or a new STR License is obtained.
  - 5. If an application for a license or the renewal of a license is denied, or a license is revoked, the owner may appeal to the Bay City City Manager by written notice delivered to the City within thirty (30) days of denial or revocation.
  - 6. The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City or applicable Tillamook County Ordinance or State law.

#### AFTER AMENDMENT

#### 8.10.150 Short Term Rental (STR) License Requirements And Revocation

All STR's shall comply with the following requirements. Any owner or contact person who violates any requirements or allows any requirements to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City Ordinance or State law.

- A. An STR License holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to STR License revocation so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall terminate.
- B. If the owner has transferred his or her property to a trust of which the owner is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit in the City that has a STR License. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit in a residential zone that is used for vacation rental or has a vacation rental dwelling STR License.
- C. An STR License holder may transfer ownership of the real property to the STR License holder, a spouse or domestic partner with the right of survivorship, and not be subject to STR License revocation; provided, that if the property subject to the STR License is in a residential zone, ~~and that the spouse or domestic partner does not own an interest in another vacation rental dwelling in a residential zone.~~
- D. Annual License of STRs: The owner of an STR License shall obtain an annual revocable STR License under this Article to lawfully advertise, offer, operate, rent, or otherwise make available for occupancy or use an STR.
- E. All owners of STRs within the City are required to register any units which are to be rented to third parties with the City, annually. All STR Licenses shall be submitted to the City by January 31 of the year the unit is registered, for on-going STRs. In the event that an owner begins renting their unit during the year, they shall register the unit prior to any rental of that unit.
- F. An STR License shall be issued for a period of one calendar year or portion thereof and may be renewed annually provided all applicable standards of this Article are met.
- G. The STR License shall be issued in the name of the property owner and is not transferable, except as described in paragraphs A-C above. The STR License shall terminate and be deemed void when the holder sells or transfers the property approved as an STR. Except for exempted transfers related to right of survivorship, the death of a STR License holder terminates the STR application. If upon the death of the STR License holder the ownership of the property transfers by operation of law to an executor or heir, then the STR License, subject to the STR License renewal process, shall provisionally continue in effect for a period of one year or until the heir or executor transfers the property to another person, whichever occurs first.
- H. The city shall approve an application for an STR or STR License renewal if all the following are met:

1. The property proposed to be registered for an STR is located in the City ~~and the owner does not have an ownership interest in any other property in the City used or approved for use as a STR.~~
  2. The City Manager has determined the property complies with this Article.
  3. The owner has provided information sufficient to verify a qualified person will be available to be contacted about use of the STR during and after business hours.
  4. The owner has agreed to comply with all STR License and operational standards including any conditions such as specific occupancy requirements.
  5. Any owner shall obtain a STR License prior to using the dwelling unit as an STR. Upon notification of the license requirement by the City of Bay City, continuing or subsequent instances of renting or advertising as a STR without a license shall be subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City Ordinance or State law. A license shall not be issued until fines related to a violation of this Article and outstanding Transient Lodging Taxes for the subject property are paid in full.
- I. The owner of each existing STR shall apply for and pay the appropriate fee for a STR License. Within thirty (30) days of applying for the STR License, it is the contact person's responsibility to contact the City of Bay City to ensure that entry to the structure can be granted by a person eighteen (18) years of age or above.
  - J. All STR Licenses shall be renewed annually by January 31st of each year and are subject to the annual fee.
  - K. A licensed STR shall not be required to pass a new inspection when a license is renewed, except in the following cases:
    1. There has been a fire, flood or other event that caused substantial damage to the structure;
    2. The license was revoked;
    3. There has been an addition or substantial modification to the structure.
  - L. If written notice is provided to the owner and the payment is not received by the renewal date, a notice that the City of Bay City intends to terminate the license shall be sent to the contact person (if applicable) and owner. This notice shall allow an additional thirty (30) days to comply with renewal provisions and shall specify that failure to comply will result in expiration of the license.
  - M. Revocation of License:
    1. Violating any provision in this Article, as well as non-compliance with any term or condition of a STR License, violation of any other City Ordinance or violating any County or State law, may result in revocation of license, denial of an application to renew a license, enforcement and penalties as outlined in this Article. Licenses that are terminated for non-renewal or non-payment shall not be considered a revocation of a license.
    2. In the sole discretion of the City, where a Building Code or Ordinance violation exists at a STR that presents an immediate serious fire or life safety risk, the City may immediately revoke the STR License as an emergency revocation. The City shall provide written documentation of the violation and

- reason for revocation prior to leaving the inspection site.
3. Upon an emergency revocation, the STR shall not be rented or used as a STR.
  4. At any time following the emergency revocation of a STR License pursuant to this paragraph, the City may reinstate the license upon a re-inspection by the City verifying that the subject Building Code or Article violation has been corrected or a new STR License is obtained.
  5. If an application for a license or the renewal of a license is denied, or a license is revoked, the owner may appeal to the Bay City City Manager by written notice delivered to the City within thirty (30) days of denial or revocation.
  6. The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Article or other City or applicable Tillamook County Ordinance or State law.

**SECTION 55:**            **AMENDMENT** “9.06.060 Hearing” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.060 Hearing

At the time and place fixed by the council, or at such other time and place to which the council may adjourn, the hearing shall be held. The council shall determine by resolution whether or not the building is dangerous. The council may, as part of the hearing, inspect the building, and the facts observed by the council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or any other person interested in the property or building shall have the right to be heard.

AFTER AMENDMENT

9.06.060 Hearing

At the time and place fixed by the eCity Council, or at such other time and place to which the council may adjourn, the hearing shall be held. The eCity Council shall determine by resolution whether or not the building is dangerous. The eCity Council may, as part of the hearing, inspect the building, and the facts observed by the eCity Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or any other person interested in the property or building shall have the right to be heard.

**SECTION 56:**            **AMENDMENT** “9.06.070 Council Orders; Notice” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.070 Council Orders; Notice

The council shall have the power to order a dangerous building removed if, in its judgment, removal is necessary to eliminate the dangerous condition. The council shall also have the power to order the building made safe and to prescribe what acts and things must be done to render it safe. The council shall specify a time period of not less than five days in which its orders must be carried out. Notice of the findings and orders made by the council shall be given to the owner of the building, the agent of the owner, or any other person in control of the building.

AFTER AMENDMENT

9.06.070 Council Orders; Notice

The eCity Council shall have the power to order a dangerous building removed if, in its judgment, removal is necessary to eliminate the dangerous condition. The City Council shall also have the power to order the building made safe and to prescribe what acts and things must be done to render it safe. The eCity Council shall specify a time period of not less than five days in which its orders must be carried out. Notice of the findings and orders made by the eCity Council shall be given to the owner of the building, the agent of the owner, or any other person in control of the building.

**SECTION 57:**        AMENDMENT “9.06.080 Abatement By The City” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.080 Abatement By The City

If the orders of the council are not obeyed within the time specified, the council may contract for the repair or removal of the building, or it may file a suit: in circuit court to abate the nuisance.

AFTER AMENDMENT

9.06.080 Abatement By The City

If the orders of the eCity Council are not obeyed within the time specified, the council may contract for the repair or removal of the building, or it may file a suit: in circuit court to abate the nuisance.

**SECTION 58:**            **AMENDMENT** “9.06.090 Assessment” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

9.06.090 Assessment

If the council contracts for the repair or removal of the building, the cost shall be assessed against the property on which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens, and it shall thereupon become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

**AFTER AMENDMENT**

9.06.090 Assessment

If the **eCity Council** contracts for the repair or removal of the building, the cost shall be assessed against the property on which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens, and it shall thereupon become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

**SECTION 59:**            **AMENDMENT** “10.11.010 Bed And Breakfast Establishments” of the Bay City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
  - 1. The number of guest bedrooms shall be limited to three.
  - 2. The dwelling shall be owner occupied.
  - 3. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
  - 4. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the requirements of Section 10.10.100, Sign Requirements.

5. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
6. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.

## AFTER AMENDMENT

### 10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
  1. The number of guest bedrooms shall be limited to three.
  2. The dwelling shall be owner occupied.
  3. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
  4. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the requirements of Section 10.10.100, Sign Requirements.
  5. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
  6. The placement of Bed and Breakfast Establishments are subject to further restrictions as Single-Family STRs according to Section 8.10.100.
  7. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.

**SECTION 60:**            **AMENDMENT** “10.11.020 Manufactured Dwellings And RV Parks” of the Bay City Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 10.11.020 Manufactured Dwellings And RV Parks

- A. Standards for Manufactured Dwellings. When a manufactured home is placed outside of a manufactured dwelling park in a zone which allows single family dwellings, it shall comply with the requirements for single family dwellings and the following placement standards:
  1. The manufactured dwelling shall be certified by the manufacturer to have an

exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.

2. The manufactured dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter with concrete block such that the manufactured dwelling is located not more than 18 inches above grade.

B. Recreation Vehicle Park and Campground.

1. Recreation Vehicle (RV) parks or camping areas shall be in conformance with the standards of the Oregon Health Department, and in conformance with the standards and policies of the zone in which they are located.
2. RV parks shall be at least 3 acres in size.
3. RV parks shall be connected to city services, including sewer, water, and storm drainage. Parks shall also be connected to power and communications service. The ratio of lavatories and toilet facilities to RV spaces shall be prescribed by state law.
4. The average square footage of RV spaces shall be at least 1500 square feet, and the individual RV spaces shall not be less than 1000 square feet. Square footage shall be calculated by excluding streets, driveways, restrooms, or common open space areas.
5. Streets or private drives shall be surfaced with asphaltic concrete or oil mat surfacing material.
6. Buffers and screening in accordance with Section 10.10.010 shall be required in order to separate RV parks from surrounding uses or public streets or roads. A sight obscuring fence or plantings shall be required except in clear vision areas.
7. Where existing tree cover is present, it shall be retained on the site. Camping spaces shall be constructed so as not to harm root systems by fill.
8. Camping spaces, restrooms, parking areas and other structures or alterations shall be at least 50 feet from streams or bodies of water to maintain riparian vegetation and the scenic values of the area. Public access shall be maintained to the water.
9. At least 25% of the overall site shall be maintained in landscaped open area or natural vegetation. Buffers, screening, forested areas, or common open areas may be considered part of this requirement.
10. All RV Parks in the Moderate and Shoreland 3 Intensity Zones shall abut U.S. Highway 101 and shall be appropriately buffered from surrounding residences. Landscaping and access control shall be required. Access to RV Parks shall be off of side streets, rather than directly off of U.S. 101.
11. No RV shall be located in a RV Park for more than 120 days in any calendar year. "Located" means living, repairing, or storing the RV within the RV Park.
12. A Yurt may be allowed within a properly permitted Recreational Vehicle Park and Campground consistent with the standards of Bay City Development Ordinance Section 2.2145 6.12 Yurt. A Yurt within a Recreational Vehicle Park and Campground may not be occupied as a residential dwelling.

## AFTER AMENDMENT

### 10.11.020 Manufactured Dwellings And RV Parks

- A. Standards for Manufactured Dwellings. When a manufactured home is placed outside of a manufactured dwelling park in a zone which allows single family dwellings, it shall comply with the requirements for single family dwellings and the following placement standards:
1. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.
  2. The manufactured dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter with concrete block such that the manufactured dwelling is located not more than 18 inches above grade.
- B. Recreation Vehicle Park and Campground.
1. Recreation Vehicle (RV) parks or camping areas shall be in conformance with the standards of the Oregon Health Department, and in conformance with the standards and policies of the zone in which they are located.
  2. RV parks shall be at least 3 acres in size.
  3. RV parks shall be connected to city services, including sewer, water, and storm drainage. Parks shall also be connected to power and communications service. The ratio of lavatories and toilet facilities to RV spaces shall be prescribed by state law.
  4. The average square footage of RV spaces shall be at least 1500 square feet, and the individual RV spaces shall not be less than 1000 square feet. Square footage shall be calculated by excluding streets, driveways, restrooms, or common open space areas.
  5. Streets or private drives shall be surfaced with asphaltic concrete or oil mat surfacing material.
  6. Buffers and screening in accordance with Section 10.10.010 shall be required in order to separate RV parks from surrounding uses or public streets or roads. A sight obscuring fence or plantings shall be required except in clear vision areas.
  7. Where existing tree cover is present, it shall be retained on the site. Camping spaces shall be constructed so as not to harm root systems by fill.
  8. Camping spaces, restrooms, parking areas and other structures or alterations shall be at least 50 feet from streams or bodies of water to maintain riparian vegetation and the scenic values of the area. Public access shall be maintained to the water.
  9. At least 25% of the overall site shall be maintained in landscaped open area or natural vegetation. Buffers, screening, forested areas, or common open areas may be considered part of this requirement.
  10. All RV Parks in the Moderate and Shoreland 3 Intensity Zones shall abut U.S. Highway 101 and shall be appropriately buffered from surrounding

residences. Landscaping and access control shall be required. Access to RV Parks shall be off of side streets, rather than directly off of U.S. 101.

- 11. ~~No RV shall be located in a RV Park for more than 120 days in any calendar year. "Located" means living, repairing, or storing the RV within the RV Park.~~
- 12. A Yurt may be allowed within a properly permitted Recreational Vehicle Park and Campground consistent with the standards of Bay City Development Ordinance Section 2.2145 6.12 Yurt. A Yurt within a Recreational Vehicle Park and Campground may not be occupied as a residential dwelling.

**SECTION 61: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


**SECTION 62: EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately following the required approval and approval by the City Council and its signature by the Mayor of the City of Bay City.

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL

June 11th, 2024

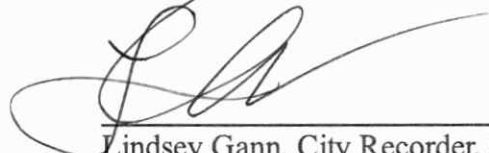
	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	<u>X</u>	_____	_____	_____
Tim Josi, Councilor	<u>X</u>	_____	_____	_____
Tom Imhoff, Councilor	<u>X</u>	_____	_____	_____
Anthony Boatman, Councilor	<u>X</u>	_____	_____	_____

Presiding Officer



Liane Welch, Mayor, City of Bay City

Attest



Lindsey Gann, City Recorder, City of Bay City