

CITY COUNCIL AGENDA PACKET

MONDAY
AUGUST 19th, 2002

- 6:15 P.M. EXECUTIVE
SESSION
- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

*Please contact Chris Eppley, City Manager if
you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.
Thanks!!*



CITY OF KEIZER

NOTICE OF EXECUTIVE SESSION

FAXED

NOTICE is hereby given that the City Council of the City of Keizer will meet in executive session on **Monday, August 19th 2002 beginning at 6:15 p.m.** The Executive Session is being held pursuant to ORS 192.660(1)(i) – Municipal Court Judge Evaluation.

The Executive Session will be held at Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Questions regarding this session may be directed to Chris Eppley, City Manager at 390-3700, extension 102.

Dated this 15th, day of August, 2002.

Tracy L. Davis, CMC
City Recorder

Notice for Information Purposes Only.

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance..

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY
SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, August 19, 2002

6:15 p.m.

Keizer City Hall

Keizer, Oregon 97303

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
 - a. Pursuant to ORS 192.660(1)(i) (Municipal Court Judge Evaluation)**
- 4. ADJOURN**

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The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public and under certain circumstances the media also. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

CITY OF KEIZER MISSION STATEMENT
**KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO
THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A

KEIZER CITY COUNCIL

REGULAR SESSION

Monday August 19, 2002

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

4. COMMITTEE REPORTS

5. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

a. New Business

b. Old Business

- **All Terrain Vehicles Dust/Noise Issue – Kinglet Way**

6. PUBLIC HEARINGS

a. Gubser Neighborhood Traffic Management Plan

b. La Poblaniña Liquor License Application

c. RESOLUTION – Designating Portion of Alder Drive as No Parking Area

7. ADMINISTRATIVE ACTION

- a. **DELIBERATION - Chemawa Activity Center/Keizer Station Plan – Text
Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50**

****SCHEDULED FOR 7:30 p.m. to 9:30 p.m.**

- b. **RESOLUTION** – Placing Ballot Measure on November 5, 2002 Election – Charter Amendment/Parks Tax

8. **CONSENT CALENDAR**

- a. **RESOLUTION** – Certification of Street Lighting District Assessments
- b. **RESOLUTION** – Authorizing City Manager to Enter Agreement for Community Development Code Enforcement Vehicle

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

10. **AGENDA INPUT**

August 26, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comp Plan Change/Zone Change Case No. 01-50

September 3, 2002 (Tuesday)

7:00 p.m. City Council Meeting

- Air Quality Final Report
- Text Amendment Case No. 02-21 Public Hearing – Private Streets

September 9, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comp Plan Change/Zone Change Case No. 01-50

September 16, 2002

7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation

September 23, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comp Plan Change/Zone Change Case No. 01-50

11. **ADJOURN**

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August 19, 2002

AGENDA ITEM 5b

OLD BUSINESS – ALL TERRAIN VEHICLE DUST/NOISE ISSUE

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director
Marc Adams, Chief of Police

Through: Chris Eppley, City Manager

Date: August 12, 2002

Re: Request for Information – Complaints Regarding All Terrain Vehicles (ATVs)

On July 15, 2002, the City Council directed City staff to research existing ordinances and determine applicability of adopted ordinances that relate to noise and dust from All Terrain Vehicles (ATVs). Keizer Noise Ordinance No. 93-269 prohibits noise by self-propelling motor vehicles as defined in the ordinance. The Keizer Police Department enforces the noise ordinance. Please find attached a memorandum from Chief Adams regarding the specific standards adopted and enforcement of this ordinance.

The City does not otherwise have any ordinance that applies to the impact of dust onto one's property. The Planning Department contacted the Department of Environmental Quality (DEQ) regarding complaints of dust from ATVs. DEQ Air Quality Manager, John Rusigno, explained that recognized standards in the Oregon Administrative Rules (OAR), Division 208, Visible Emissions and Nuisance Requirements could potentially apply to such a complaint regarding ATVs. He also stated that DEQ could not efficiently address the issue though due to staffing availability. Mr. Rusigno stated that DEQ has one compliance officer for this area to cover six counties, and that the likelihood of priorities and chances of catching the violator is slim due to staffing availability. Also attached is a copy of the State of Oregon DEQ OARs that apply to quality air control.

Keizer Police Department

Memorandum

To: Mayor Christopher, City Council
Cc: Chris Eppley, City Manager
From: H. Marc Adams, Chief of Police
Date: 8/9/02
Re: ATV noise complaint, Chemawa/Kinglet

I have reviewed applicable City of Keizer Ordinances pertaining to noise and off-highway vehicles and how the ordinance would apply to the complaint about ATV activity on private property adjacent to Chemawa Rd and Kinglet St. City of Keizer Ordinance 93-269 Prohibiting Noise and Providing for Variance Section 4.B.5 Off-highway vehicles states: No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but no limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day (7AM-10PM) or 55 dBA in the night (10PM-7AM) as measured at or within the boundary of a noise sensitive receiver property is a violation of the ordinance.

Operation of ATVs in this area has caused complaints to be filed with the Police Department in the past. Responding officers have measured the noise using a sound level meter and found the noise to be within allowable standards. Future complaints should be made to the Police Department at the time of occurrence. Officers will respond as per call load priority and will measure the sound.

In order for a citation to be issued the officer will have to observe the violation and obtain a dBA reading that is in excess of 60 dBA during the day or 55 dBA during the night.

1 BILL NO. 251

A BILL

ORDINANCE NO.

2 FOR

93- 269

3
4 AN ORDINANCE

5 PROHIBITING NOISE AND PROVIDING FOR
6 VARIANCE; REPEALING ORDINANCE 90-190
7

8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. It is hereby found and declared
10 that:

11 A) The making and creation of excessive, unnecessary or
12 unusually loud noises within the limits of the City of Keizer
13 is a condition which has existed for some time and the extent
14 in volume of such noises is increasing;

15 B) The making, creation, or maintenance of such
16 excessive, unnecessary, unnatural, or unusually loud noises
17 which are prolonged, unusual and unnatural in their time, place
18 and use affect and are a detriment to public health, comfort,
19 convenience, safety, welfare, and prosperity of the residents
20 of the City of Keizer, and

21 C) The necessity in the public interest for provisions
22 and prohibitions hereinafter contained in This Ordinance, is
23 declared as a matter of legislative determination and public
24 policy, and it is further declared that the provisions and
25 prohibitions hereinafter contained are in pursuance of and for
26 the purpose of securing and promoting the public health,
27 comfort, convenience, safety, welfare, and prosperity and the
28 peace and quiet of the City of Keizer and its inhabitants.

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- - ORDINANCE NO. 93- 269

LIEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. #4
Keizer, Oregon 97303
(503) 390-1876

Section 2. DEFINITIONS. As used in this Ordinance:

A) "A-scale (dBA)" means the sound levels in decibels measured using the A-weighted network as specified in American National Standard Specification for Sound Level Meters (ANSI S 1.4-1971).

B) "Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

D) "Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment.

E) "Frequency" means the time of repetition of a periodic phenomenon, measured in Hertz (H_z).

F) "Impulse sound" means a single pressure peak or single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.

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1 G) "Industrial" means any use of a warehouse, factory,
2 mine, wholesale trade establishment, or other use of the same
3 general type, and rights-of-way appurtenant thereto, whether
4 publicly or privately owned.

5 H) "Motor vehicle" means any land vehicle which is
6 designed to be self-propelled.

7 I) "Noise sensitive" means any use of a church, temple,
8 synagogue, day care center, hospital, rest home, retirement
9 home, group care home, school, dwelling unit (single family
10 dwelling, duplex, triplex, multifamily dwelling, or mobile
11 home), or other use of the same general type, and rights-of-
12 way appurtenant thereto, whether publicly or privately owned.

13 J) "Octave band" means an interval in Hertz between two
14 frequencies having a ratio of two to one. For purposes of This
15 Ordinance, octave band sound pressure levels may be measured at
16 any of the following center frequencies: 31.5, 63, 125, 250,
17 500, 1000, 2000, 4000 and 8000 Hz.

18 K) "Plainly audible" means unambiguously communicated to
19 the listener. Plainly audible sounds include, but are not
20 limited to understandable musical rhythms, understandable spoken
21 words, and vocal sounds other than speech which are
22 distinguishable as raised or normal.

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L) "Sound level" in dBA means the weighted sound pressure level, measured by the use of an A-weighted sound level meter set at a fast meter response.

M) "Sound level meter" means a sound level measuring device, either Type 1 or Type 2, as defined by American National Standard Specification for Sound Level Meters (ANSI S1.4-1971).

N) "Sound pressure level" in dB is 20 times the logarithm to the base 10 of the ratio of the root-mean square of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally. In addition to the specific prohibitions in subsection B) of this section and Section 4, it shall be unlawful for any person to knowingly create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound, including sound produced by animals, which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City.

B) Specific prohibitions. Unless exempted by Section 5, the following acts are declared to be noise disturbances within the meaning of § 3 A) provided, however, that this enumeration shall not be deemed to be exclusive:

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1) Dynamic braking devices. Using any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property. A dynamic braking device is one used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

2) Idling engines on motor vehicles. Operating for more than 15 consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

3) Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

4) Lawn mowing equipment. Operating lawn mowing equipment with a combustion engine between 10:00 p.m. and 7:00 a.m.

Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except as specifically provided elsewhere in This Ordinance, no person shall cause or permit sound to be received on property used as specified herein if the sound exceeds the limits set forth in subsections B) and C). For purposes of this section, "day" hours are between 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

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B) Table of Maximum Permissible Sound Levels (in dBA).

Type of Source by Use	Type of Receiver by Use					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	55	45	60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	Not Applic.	

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.

2) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA for a cumulative total of greater than one minute, but less than five minutes in any ten minute period.

3) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels for a cumulative total of five minutes or more in any ten minute period.

C) Exceptions to the Table of Maximum Permissible Sound Levels.

1) Impulse sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source which emits an impulse sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in the night.

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2) Sound producing, amplifying, or reproducing equipment.

During night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source. This standard replaces the table in subsection B) of this section for night sounds only; day sounds shall be governed by that table.

3) Domestic power equipment. The day sound levels in the table in subsection B) of this section do not apply to sounds produced by domestic power equipment.

During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

4) Commercial construction. The day sound levels in the table in subsection B) of this section do not apply to sounds produced in commercial construction activity.

5) Off-highway vehicles. No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day or 55 dBA in the night as measured at or within the boundary of a noise sensitive receiver property.

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6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of any auxiliary equipment on a motor vehicle for more than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or 50 dBA in the night as measured at or within the boundary of noise sensitive property. Auxiliary equipment means a mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

D) Measurement of sound levels under this section shall be made at one of the following points, whichever is farther from the sound source:

1) 25 feet from that point on a receiver building nearest the sound source, or

2) That point on the receiver property line nearest the sound source.

Section 5. EXEMPTIONS. The following sounds are exempted from the provisions of this Ordinance:

A) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

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B) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than 15 minutes. Sounds made by the Keizer Fire District and Marion County Fire District sirens during use and testing.

C) Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.

D) Sounds made by current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or honeybees, or the produce thereof, or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the preparation and storage of the products raised for man's use and animal use and disposal by marketing or otherwise by a farmer on such farm.

E) Sounds made by activities by or on direction of the City of Keizer in maintenance, construction, or repair of public improvements in public rights-of-way or easements.

F) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission, or under Section 7 of this Ordinance.

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1 G) Sounds produced by the audience, participants and
2 sound amplifying equipment at athletic events on public property
3 and sponsored or sanctioned or otherwise approved by the City
4 or the Salem-Keizer School District 24J.

5 H) Sounds made by motor vehicle exhaust systems that
6 comply with the provisions of ORS 815.250, but this exemption
7 does not apply to violation of Section 3(B)(2) of this
8 Ordinance.

9 Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY.
10 This Ordinance shall be jointly enforced by the police
11 department and the City Manager's designee. Enforcement of this
12 Ordinance may include seizure of the sound producing instrument.

13 Section 7. VARIANCES. A) Generally. Any person who
14 owns, controls, or operates any sound source which does not
15 comply with a provision of this Ordinance may apply for:

16 1) A Class A Variance for an event or activity which does
17 not exceed 72 hours in duration; or

18 2) A Class B Variance for an event or activity or series
19 of related events, or activities which are 72 hours or more in
20 duration.

21 B) The City Manager or the City Manager's designee may
22 file application for a Class C variance for a community event
23 or activity of any duration which does not comply with a
24 provision of this Ordinance.

25 Section 8. VARIANCE APPLICATION. A) An applicant for
26 a variance shall submit in writing:

1) A reference to the provision from which the variance is sought;

2) The reason or reasons why the variance is necessary;

3) The physical characteristics of the involved sound;

4) The times when the involved sound will be emitted and the anticipated duration of the sound;

5) Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designates whether the uses in the area within 400 feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in Section 2, or a combination thereof;

6) Any other supporting information which the City Manager or Council may reasonably require to allow consideration of the conditions set forth in Section 10.

B) The applicant for a Class A Variance shall submit the application to the City Manager's designee. The applicant for a Class B or Class C Variance shall submit the application to the City Recorder, who shall place the matter on the agenda for the forthcoming Council meeting.

Section 9. PUBLIC NOTIFICATION FOR CLASS B OR C VARIANCE.

The applicant for a Class B Variance or the City for a Class C Variance shall post notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road, and publish notice

1 in a newspaper of general circulation in the city. Notice shall
2 be posted on the property at least seven (7) days before the
3 public hearing, and notice shall be published at least four (4)
4 days before the public hearing. Notice under this section shall
5 state the date the Council will consider the application, the
6 nature and substance of the variance to be considered, and that
7 recipients of the notification may file written comments on the
8 application with the City Recorder before the Council meeting
9 at which the application will be considered.

10 Section 10. VARIANCE REVIEW. The City Manager or the City
11 Manager's designee or Council may grant a variance, after
12 considering the written application for variance and any written
13 comments submitted by persons specified in Section 9, when it
appears that the following conditions exist:

15 1) There are unnecessary or unreasonable hardships or
16 practical difficulties which can be most effectively relieved
17 by granting the variance; and

18 2) That granting the application will not be unreasonably
19 detrimental to the public welfare.

20 Section 11. VARIANCE DECISION. A) The City Manager or
21 the City Manager's designee shall grant or deny a Class A
22 Variance within 3 days of receipt of a complete variance
23 application, excluding Saturdays, Sundays, and holidays.

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B) The Council shall grant or deny a Class B or Class C Variance within 30 days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

C) The City Manager or Council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of This Ordinance will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this Ordinance..

D) A decision to grant or deny a variance shall be in writing and shall state the reasons for such decision. The Council or City Manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.

Section 12. REVIEW. The decision of the Council to grant or deny a variance is final. The City Manager shall file his or her written decision with the City Recorder, who shall place the matter on the agenda for the forthcoming Council meeting. The decision of the City Manager is final on the date of that Council meeting unless the Council, on its own motion, decides to reverse or modify the decision of the City Manager or to schedule a public hearing on the application. If a public hearing is held, the Council shall grant or deny the variance within 30 days after the hearing, and may impose conditions on the granting of the variances as set forth in Section 11.

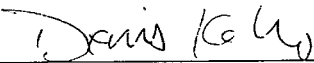
Section 13. VIOLATIONS. Violation of any provision of this Ordinance is an infraction.

Section 14. REPEAL. Ordinance 90-190, Prohibiting Noise, enacted November 5, 1990, is repealed.

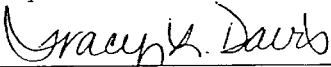
Section 15. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING
PASSED this 1st day of November, 1993.

SIGNED this 4th day of November, 1993.



Mayor



City Recorder

824.114



The Oregon Administrative Rules contain OARs filed through June 15, 2002

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 208

VISIBLE EMISSIONS AND NUISANCE REQUIREMENTS

340-208-0010

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020, the definition in this rule applies to this division.

(1) "Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.

(2) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, pollen, vapor, soot, carbon, acid or particulate matter, or any combination thereof.

(3) "Emission" means a release into the outdoor atmosphere of air contaminants.

(4) "Fuel Burning Equipment" means a device that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer, except marine installations and internal combustion engines that are not stationary gas turbines.

(5) "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area not identifiable as a stack, vent, duct, or equivalent opening.

(6) "New source" means, for purposes of OAR 340-208-0110, any air contaminant source installed, constructed, or modified after June 1, 1970.

(7) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

(8) "Odor" means that property of an air contaminant that affects the sense of smell.

(9) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that exceed the opacity percentage in the standard, whether or not the readings are consecutive. Alternatives to EPA Method 9, such as a continuous opacity monitoring system (COMS), alternate Method 1 (LIDAR), or EPA Methods 22, or 203, may be used if approved in advance by the department, in accordance with the Source Sampling Manual.

(10) "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method in accordance with OAR 340-212-0120 and OAR 340-212-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by the department;

(11) "Special Control Area" means an area designated in OAR 340-204-0070.

(12) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

(13) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[Publications: Publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: [DEQ 16, f. 6-12-70, cf. 7-11-70; DEQ 1-1984, f. & cf. 1-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96]; [DEQ 4-1978, f. & cf. 4-7-78; DEQ 9-1979, f. & cf. 5-3-79; DEQ 3-1980, f. & cf. 1-28-80; DEQ 14-1981, f. & cf. 5-6-81; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 3-1996, f. & cert. ef. 1-29-96]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0005, 340-021-0050, 340-030-0010; DEQ 2-2001, f. & cert. ef. 2-5-01

Visible Emissions

340-208-0100

Applicability

OAR 340-208-0100 through 340-208-0110 apply in all areas of the state.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0012

340-208-0110

Visible Air Contaminant Limitations

(1) Existing sources outside special control areas. No person may emit or allow to be emitted any air contaminant into the atmosphere from any existing air contaminant source located outside a special control area for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 40% opacity.

(2) New sources in all areas and existing sources within special control areas: No person may emit or allow to be emitted any air contaminant into the atmosphere from any new air contaminant source, or from any existing source within a special control area, for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 20% opacity.

(3) Exceptions to sections (1) and (2) of this rule:

(a) Where the presence of uncombined water is the only reason for failure of any emission to meet the requirements of sections (1) and (2) of this rule, such sections shall not apply;

(b) Existing fuel burning equipment utilizing wood wastes and located within special control areas shall comply with the emission limitations of section (1) of this rule in lieu of section (2) of this rule.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0015; DEQ 2-2001, f. & cert. ef. 2-5-01

Fugitive Emission Requirements

340-208-0200

Applicability

OAR 340-208-0200 through 340-208-0210 apply:

(1) Within Special Control Areas, designated in OAR 340-204-0070; and

(2) In other areas when the department determines a nuisance exists and should be controlled, and the control measures are practicable.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99,
Renumbered from 340-021-0055; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0210

Requirements

(1) When fugitive emissions escape from a building or equipment in such a manner and amount as to create a nuisance or to violate any regulation, the department may order the owner or operator to abate the nuisance or to bring the facility into compliance. In addition to other means of obtaining compliance the department may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before being emitted to the open air.

(2) No person may cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but not be limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces which can create airborne dusts;

(c) Full or partial enclosure of materials stockpiles in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(d) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(e) Adequate containment during sandblasting or other similar operations;

(f) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material that does or may become airborne.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99,
Renumbered from 340-021-0060; DEQ 2-2001, f. & cert. ef. 2-5-01

Nuisance Control Requirements

340-208-0300

Nuisance Prohibited

(1) No person may cause or allow air contaminants from any source subject to regulation by the department to cause a nuisance.

(2) Upon determining a nuisance may exist, the department will provide written notice to the person creating the suspected nuisance. The department will endeavor to resolve observed nuisances in keeping with the policy outlined in OAR 340-12-0026. If the department subsequently determines a nuisance exists under OAR 340-208-0310 and proceeds with a formal enforcement action, pursuant to chapter 340 division 12, the first day for determining penalties will be no earlier than the date of this notice.

Stat. Auth.: ORS 468, ORS 468A.010 & ORS 468A.025

Stats. Implemented: ORS 468A.010 & ORS 468A.025

Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0310

Determining Whether A Nuisance Exists

(1) In determining a nuisance, the department may consider factors including, but not limited to, the following:

- (a) Frequency of the emission;
- (b) Duration of the emission;
- (c) Strength or intensity of the emissions, odors or other offending properties;
- (d) Number of people impacted;
- (e) The suitability of each party's use to the character of the locality in which it is conducted;
- (f) Extent and character of the harm to complainants;
- (g) The source's ability to prevent or avoid harm.

(2) Compliance with a Best Work Practices Agreement that identifies and abates a suspected nuisance constitutes compliance with OAR 340-208-0300 for the identified nuisance. For sources subject to OAR 340-216-0020 or 340-218-0020, compliance with specific permit conditions that results in the abatement of a nuisance associated with an operation, process or other pollutant emitting activity constitutes compliance with OAR 340-208-0300 for the identified nuisance. For purposes of this section, "permit condition" does not include the general condition prohibiting the creation of nuisances.

Stat. Auth.: ORS 468, ORS 468A.010 & ORS 468A.025

Stats. Implemented: ORS 468A.010 & ORS 468A.025

Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0320

Best Work Practices Agreement

(1) A person may voluntarily enter into an agreement with the department to implement specific practices to abate the suspected nuisance. This agreement may be modified by mutual consent of both parties. This agreement will be an Order for the purposes of enforcement under OAR 340 division 12.

(2) For any source subject to OAR 340-216-0020 or 340-218-0020, the conditions outlined in the Best Work Practices Agreement will be incorporated into the permit at the next permit renewal or modification.

(3) This agreement will remain in effect unless or until the department provides written notification to the person subject to the agreement that:

- (a) The agreement is superseded by conditions and requirements established later in a permit;
- (b) The department determines the activities that were the subject of the agreement no longer occur; or
- (c) The department determines that further reasonably available practices are necessary to abate the suspected nuisance.

(4) The agreement will include one or more specific practices to abate the suspected nuisance. The agreement may contain other requirements including, but not limited to:

- (a) Monitoring and tracking the emission of air contaminants;
- (b) Logging complaints and the source's response to the complaint;
- (c) Conducting a study to propose further refinements to best work practices.

(5) The department will consult, as appropriate, with complainants with standing in the matter throughout the development, preparation, implementation, modification and evaluation of a Best Work Practices Agreement. The department will not require that complainants identify themselves to the source as part of the investigation and development of the Best Work Practices Agreement.

Stat. Auth.: ORS 468, ORS 468A.010 & ORS 468A.025

Stats. Implemented: ORS 468A.010 & ORS 468A.025

Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0400

Masking of Emissions

No person may cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant that causes or is likely to cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement.

Stat. Auth.: ORS 468; ORS 468A.010; and ORS 468A.025

Stats. Implemented: ORS 468A.010 and ORS 468A.025

Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0450

Particle Fallout Limitation

No person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by the department that the deposition exists and must be controlled.

Stat. Auth.: ORS 468, ORS 468A.010 & ORS 468A.025

Stats. Implemented: ORS 468A.010 & ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0080;

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0520; DEQ 2-2001, f. & cert. ef. 2-5-01, Renumbered from 340-208-0620

Clackamas, Columbia, Multnomah, and Washington Counties

340-208-0500

Application

OAR 340-208-0500 through 340-208-0630 apply in Clackamas, Columbia, Multnomah, and Washington Counties.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0001; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0400; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0510

Exclusions

(1) The requirements contained in OAR 340-208-0500 through 340-208-0630 apply to all activities conducted in Clackamas, Columbia, Multnomah, and Washington Counties, other than those for which specific industrial standards have been adopted (Divisions 230, 234, 236, and 238), and except for the reduction of animal matter, OAR 236-0310(1) and (2).

(2) The requirements outlined in OAR 340-208-0500 through 340-208-0630 do not apply to activities related to a domestic residence of four or fewer family-living units.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0003; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0410; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0550

Odor Control Measures

(1) Control apparatus and equipment, using the highest and best practicable treatment currently available, must be installed and operated to reduce to a minimum odor-bearing gases or odor-bearing particulate matter emitted into the atmosphere.

(2) Gas effluents from incineration operations and process after-burners installed under section (1) of this rule must be maintained at a temperature of 1,400° Fahrenheit for at least a 0.5 second residence time, or controlled in another manner determined by the department to be equally or more effective.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0045; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0450; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0560

Storage and Handling of Petroleum Products

(1) In volumes of greater than 40,000 gallons, gasoline or any volatile petroleum distillate or organic liquid having a vapor pressure of 1.5 psia or greater under actual storage conditions must be stored in pressure tanks or reservoirs, or in containers equipped with a floating roof or vapor recovery system or other vapor emission control device.

(2) Gasoline or petroleum distillate tank car or tank loading facilities handling 20,000 gallons per day or more must be equipped with submersible filling devices or other vapor emission control systems.

(3) Gasoline tanks with a capacity of 500 gallons or more that were installed after January 1, 1970 must be equipped with a submersible filling device or other vapor emission control systems.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0050; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0460; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0570

Ships

While in those portions of the Willamette River and Columbia River that pass through or adjacent to Clackamas, Columbia, and Multnomah Counties, each ship is subject to the emission standards and rules for visible emissions and particulate matter size and must minimize soot emissions. The owner, operator or other responsible party must ensure that these standards and requirements are met.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0055; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0470; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0590

Emission Standards -- General

Compliance with any specific emission standard in this Division does not preclude required compliance with any other applicable emission standard or requirement contained in OAR Chapter 340.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0065; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0490

340-208-0600

Visible Air Contaminant Standards

No person may allow any non-fuel-burning-equipment to discharge any air contaminant that is 20 percent opacity or greater into the atmosphere for a period of or periods totaling more than 30 seconds in any one hour.

Stat. Auth.: ORS 468 & ORS 468A.

Stats. Implemented: ORS 468.020 & ORS 468A.025.

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0070; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0500; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0610

Particulate Matter Weight Standards

Except for equipment burning natural gas and liquefied petroleum gas, the maximum allowable emission of particulate matter from any fuel burning equipment:

(1) Is a function of maximum heat input as determined from **Figure 1**, except that from existing fuel burning equipment utilizing wood residue, it is 0.2 grain, and from new fuel burning equipment utilizing wood residue, it is 0.1 grain per standard cubic foot of exhaust gas, corrected to 12 percent carbon dioxide;

(2) **Must not exceed Smoke Spot #2 for distillate fuel and #4 for residual fuel, measured by ASTM D2156-65, "Standard Method for Test for Smoke Density of the Flue Gases from Distillate Fuels".**

[ED. NOTE: Figures referenced in this rule are available from the agency.]

[Publications: Publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0075; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0510; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0620 [Renumbered to 340-208-0450]

340-208-0630

Sulfur Dioxide Emission Standard

For any air contaminant source that may emit sulfur dioxide, no person may cause or permit emission of sulfur dioxide in excess of 1,000 ppm from any air contamination source as measured in accordance with the department's Source Test Manual, except those persons burning natural gas, liquefied petroleum gas, or fuel conforming to provisions of rules relating to the sulfur content of fuels. This rule applies to sources installed, constructed, or modified after October 1, 1970.

[Publications: Publications referenced in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A.

Stats. Implemented: ORS 468.020 & ORS 468A.025.

Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0085; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0530; DEQ 2-2001, f. & cert. ef. 2-5-01

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative



August 19, 2002

AGENDA ITEM 6a

GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

FROM: CHRIS C. EPPLEY
CITY MANAGER

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

ISSUE:

In January 2002, the Traffic Safety Commission began development of a traffic management plan for the Gubser Neighborhood to address the volume of vehicle traffic using this area as a cut-through route rather than utilizing River Road and Lockhaven Drive. The Traffic Safety Commission notified the residents of this area and provided an opportunity for input into the development of this plan. In July 2002, the Traffic Safety Commission finalized their recommendation.

A public hearing before the City Council was scheduled for Monday, August 19th to allow testimony on the plan, however staff would like an opportunity to discuss the recommendations with the Traffic Safety Commission prior to testimony or deliberations on the plan. Notification was provided to the residents of the affected area announcing the potential continuation of the hearing.

RECOMMENDATION:

It is recommends the hearing be opened and then continued to Tuesday, September 3, 2002 at 7:00 p.m. to allow staff to meet with the Traffic Safety Commission on August 22, 2002 to discuss the details of the Gubser Neighborhood Traffic Management Plan.



KEIZER CITY COUNCIL NOTICE OF PUBLIC HEARING

GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

NOTICE is hereby given that the City Council of the City of Keizer had scheduled a public hearing on Monday, August 19, 2002 at 7:00 p.m. regarding the Gubser Neighborhood Traffic Management Plan. The recommendation to the City Council will be to continue the public hearing for testimony and discussion until Tuesday, September 3, 2002 at 7:00 p.m. This continuation will allow staff to meet with the Traffic Safety Commission on Thursday, August 22, 2002 at 7:00 p.m. to discuss the details of the recommended plan.

The hearing shall be held in the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at (503) 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact Chris Eppley, City Manager at (503) 390-3700, extension 102.

Dated this 15th day of August 2002.

**Tracy L. Davis
City Recorder**



August 19, 2002

AGENDA ITEM 6b

LA POBLANITA LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: August 19, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, CMC 
CITY RECORDER**

**SUBJECT: LA POBLANTA LIQUOR LICENSE APPLICATION
OFF PREMISES SALES LICENSE**

BACKGROUND:

On July 24, 2002 Bartolo Gutierrez and Bernarda Gutierrez submitted an application for an Off-Premises Sales liquor license for the La Poblanta Store located at 3443 River Road North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. One letter of opposition to this license was received. ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

On July 25, 2002 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off Premises liquor license for the La Poblanta Store under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



HARVEY M. WATT

PO BOX 470
BEND, OREGON 97709

RECEIVED
BY: CITY OF KEIZER
2002 AUG 12 PM 1 58

AUGUST 6, 2002

TRACY DAVIS, CITY RECORDER
PO BOX 21000
KEIZER, OR 97307

GENTLEMEN:

THANK YOU FOR THE NOTICE REGARDING THE "LaPoblanta" STORE'S
APPLICATION FOR A LIQUOR LICENSE.

I AM DEFINETELY AGAINST THE CITY ISSUING THE LICENSE.

I AM THE OWNER OF THE BUILDING IN WHICH THEY HAVE A LEASE.

SINCERELY,

HARVEY M. WATT



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

August 15, 2002

Bartolo Gutierrez and Bernarda Gutierrez
LaPoblanita
3443 River Road N
Keizer, Oregon 97303

Re: Liquor License Application

Dear Mr. and Ms. Gutierrez:

On July 24, 2002 you filed an application for a liquor license for the La Poblanita located at 3443 River Road N, Keizer. The application has been reviewed by the Keizer Police and also a copy was provided to the City Planning Department for any comment they may have. In 1995, the City of Keizer adopted an Ordinance establishing liquor license review procedures. Part of the guidelines specifies all property owners within 200 feet of the proposed liquor licensed establishment will have an opportunity to comment on the application. Notification to these property owners has been sent out. One letter of opposition has been received. I have enclosed a copy.

The Ordinance also requires a public hearing be held. I have scheduled this hearing for **Monday, August 19, 2002 at 7:00 p.m.** at the City Council meeting. The City Manager will be recommending **approval** of the application to the City Council. Upon closure of the hearing and deliberation, the City Council will make a final recommendation on the application which will be forwarded to the Oregon Liquor Control Commission.

If you have any questions regarding this process, please give me a call at 390-3700, extension 108.

Sincerely,

Tracy L. Davis, CMC
City Recorder



KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor (signature)
Subject: La Poblanita
3443 River Rd. N. Keizer, Oregon 97303

Issue

Shall the City Council approve the liquor license application of La Poblanita, 3443 River Rd. N. Keizer, Oregon?

Background

There were no calls for service from July 1, 2001 through June 30, 2002 at the address of 3443 River, previously an employment service agency.

The applicants, Bartolo and Bernarda Gutierrez have no criminal history.

Thus, the background review did not reveal any history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for La Poblanita, 3443 River Rd. N. Keizer, Oregon.

14176 7/24/02



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
 - ☐ Caterer
 - ☐ Passenger Carrier
 - ☐ Other Public Location
 - ☐ Private Club

- ☐ Limited On-Premises Sales (\$202.60/yr)
- ☒ Off-Premises Sales (\$100/yr)
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☒ Other ~~new store~~

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by R. McNeill

Date: 7/23/02

90-day authority: ☐ Yes ☒ No

Applying as:

- ☒ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

RECEIVED

OREGON LIQUOR CONTROL COMMISSION

Please Print or Type

1. Applicant(s): [See SECTION 1 of the Guide]

① Bartolo Gutierrez ③ _____

② Bernarda Gutierrez ④ _____

2. Trade Name (dba): La Poblanita

SALEM REGIONAL OFFICE

→ 3. Business Location: 3443 River Rd N Keizer Marion OR 97303

(number, street, rural route)

(city)

(county)

(state)

(ZIP code)

4. Business Mailing Address: _____

(PO box, number, street, rural route)

(city)

(state)

(ZIP code)

5. Business Numbers: 503-390-1554

(phone)

(fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: n/a Type of License: n/a

8. Former Business Name: Temp agency

9. Will you have a manager? ☐ Yes ☒ No Name: _____

(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Salem Keizer

(name of city or county)

11. Contact person for this application: Bartolo Gutierrez 503-362-9144

(name)

(phone number(s))

382 45th Ave NE

(address)

(fax number)

(e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Bartolo Gutierrez Date 7-14-02 ③ _____

Date

② Bernarda Gutierrez Date 7-14-02 ④ _____

Date

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: Bartolo Gutierrez Phone: 503-362-9144

Trade Name (dba): La Poblanita

Business Location Address: 3443 River Rd N

City: Keizer, OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>10</u>	to	<u>10</u>
Monday	<u>10</u>	to	<u>10</u>
Tuesday	<u>11</u>	to	<u>11</u>
Wednesday	<u>11</u>	to	<u>11</u>
Thursday	<u>11</u>	to	<u>11</u>
Friday	<u>11</u>	to	<u>11</u>
Saturday	<u>11</u>	to	<u>11</u>

Outdoor Area Hours:

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday	<u>11</u>	to	<u>11</u>
Thursday	<u>11</u>	to	<u>11</u>
Friday		to	
Saturday		to	

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

JUL 18 2002

SALEM REGIONAL OFFICE

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| ☐ Live Music | ☐ Karaoke |
| ☐ Recorded Music | ☐ Coin-operated Games |
| ☐ DJ Music | ☐ Video Lottery Machines |
| ☐ Dancing | ☐ Social Gaming |
| ☐ Nude Entertainers | ☐ Pool Tables |
| | ☐ Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: _____	Outdoor: _____
Lounge: _____	Other (explain): _____
Banquet: _____	Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: _____ (Y) _____ (N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Bartolo Gutierrez Date: 7-14-02

OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: LA PERLANITA

Business Location Address: 3443 River Rd N City: Kaiser ZIP Code: 97303

PART A - PERSONAL INFORMATION

- Name: Gutierrez Bartolo
(last) (first) (middle)
- Other Names Used: N/A
(maiden) (other)
- Residence Address: 258 45th Ave NE Salem Or. 97301
(number and street) (city) (state) (ZIP code)
- Home Phone: (503) 362 91 44 Business Phone: (503)
- *SSN: 56 -84 -7350 Place of Birth: Puebla Mexico Date of Birth: 8 1 24 1968
(state/country) (mm) (dd) (yyyy)
- Sex: M Height: 105 5.08 Weight: 177 Hair Color: Black Eye Color: Brown
- Driver License #: 5592587 State: Oregon Spouse's name: Bernarda Gutierrez

PART B - EMPLOYMENT/RESIDENCE INFORMATION Attach additional sheets if necessary.

- Do you currently hold or have you ever held a liquor license in this state? Yes ☒ No (If yes, when and where? N/A)

- List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>03-31-01</u> To: <u>date</u>	<u>Universal forest p inc</u>	<u>grading</u>	<u>Woodburn Ore.</u>
From: <u>01-11-2000</u> To: <u>11-2001</u>	<u>Areres Lumber</u>	<u>green chain</u>	<u>Levens Oregon</u>
From: <u>9-97</u> To: <u>11-2000</u>	<u>fiber fab</u>	<u>labor</u>	<u>Gervais Oregon</u>

- List other cities and states where you have lived in the past 10 years other than that noted above:

From:	To:	City	State
From: <u>05-94</u> To: <u>date</u>	<u>Salem</u>	(Actual address)	<u>Oregon</u>
From: <u>04-92</u> To: <u>5-94</u>	<u>Salem</u>	(Previous address)	<u>Or.</u>
From: _____ To: _____	_____	_____	_____

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00 ☒ Yes ☒ No
- Do you have any arrests or citations pending? ☐ Yes ☒ No
- Have you ever entered into a diversion agreement? ☐ Yes ☒ No
- Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
- Have you ever had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: Traffic Violation Conviction Date: 2002 City/State/County: Woodburn, Or. Marion

Convicted of: Traffic Violation Conviction Date: 2002 City/State/County: Kaiser, Or. Marion

Convicted of: _____ Conviction Date: _____ City/State/County: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: N/A Where: _____

When: N/A Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: N/A Where: _____

When: N/A Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: N/A Where: _____

When: N/A Where: _____

PART E - APPLICANT SIGNATURE

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Bartolo Gutierrez Date: 7-01-02

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.796). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0012(6), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your Social Security Number for these administrative purposes. If you do consent to these uses, please sign here.

Applicant Signature: Bartolo Gutierrez Date: 7-01-02

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: LA POBLANITA
Business Location Address: 3443 Bwr Rd N City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Gutierrez Bernarda
(last) (first) (middle)
2. Other Names Used: n/a
(maiden) (other)
3. Residence Address: 282 45TH ave W-E Salem OR 97301
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 362-91-44 Business Phone: (503)
5. *SSN: 151-82-2437 Place of Birth: MEXICO Date of Birth: 04 / 16 / 71
(state/country) (mm) (dd) (yyyy)
6. Sex: F Height: 5'02" Weight: 130 Hair Color: Brown Eye Color: Brown
7. Driver License #: 5592591 State: OR Spouse's name: Bartolo Gutierrez

PART B - EMPLOYMENT/RESIDENCE INFORMATION Attach additional sheets if necessary.

8. Do you currently hold or have you ever held a liquor license in this state? Yes XNo (If yes, when and where? N/A)

9. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>09-16-94</u> To: <u>date</u>	<u>naspar #8</u>	<u>food packer</u>	<u>Salem OR</u>
From: <u>08-93</u> To: <u>94</u>	<u>puentes brothers labor</u>		<u>Salem OR</u>
From: _____ To: _____			

10. List other cities and states where you have lived in the past 10 years other than that noted above:

From:	To:	City	State
From: <u>05-94</u> To: <u>date</u>		<u>Salem (actual address)</u>	<u>OR</u>
From: <u>04-92</u> To: <u>5-94</u>		<u>Salem (previous address)</u>	<u>OR</u>
From: _____ To: _____			

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

11. Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00 ☐ Yes ☒ No
12. Do you have any arrests or citations pending? ☐ Yes ☒ No
13. Have you ever entered into a diversion agreement? ☐ Yes ☒ No
14. Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
15. Have you ever had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: na Conviction Date: _____ City/State/Country: _____

Convicted of: n/a Conviction Date: _____ City/State/Country: _____

Convicted of: n/a Conviction Date: _____ City/State/Country: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: N/A Where: _____

When: N/A Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: N/A Where: _____

When: N/A Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: N/A Where: _____

When: N/A Where: _____

PART E - APPLICANT SIGNATURE

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Bernarda Gutierrez Date: 07-7-02

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 668(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.011 and OAR 846-205-001(2)(b), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use or not Social Security Number for these administrative purposes (42 USC § 662(a)). If you consent to these uses, please sign here.

Applicant Signature: Bernarda Gutierrez Date: 07-7-02

1 BILL NO.

A BILL

ORDINANCE NO.
95- 318

2
3
4 FOR

5 AN ORDINANCE ESTABLISHING
6 A PROCEDURE FOR LIQUOR LICENSE REVIEW
7 AND CITY COUNCIL RECOMMENDATION TO
8 THE OREGON LIQUOR CONTROL COMMISSION,
9 DECLARING AN EMERGENCY AND
10 REPEALING ORDINANCE 88-129

11 WHEREAS, community members have a right to live in an environment
12 which is clean, safe and free from unlawful activities, noise and disturbances; and

13 WHEREAS, community members have a right to be protected from
14 irresponsible drinking acts of individuals and irresponsible promotion and distribution
15 activities; and

16 WHEREAS, business owners have a responsibility to contribute to, rather
17 than jeopardize, the well-being of the community; and

18 WHEREAS, liquor licensees should promote, sell and serve alcohol in a
19 responsible manner which minimizes the risks associated with its use, and should
20 work in a partnership with the community to improve community livability; and law
21 enforcement and licensing agencies should ensure that all premises licensed to sell
22 or dispense alcoholic beverages operate within federal, state and local laws and
23 regulations; and

24 WHEREAS, the City of Keizer's liquor license recommendation process
25 should ensure that all liquor outlets meet the high expectations of this community,
26 should offer licensees the opportunity to maintain these levels of expectation, and
27 should be outlined by ordinance; NOW, THEREFORE,

28 The City of Keizer ordains as follows:

1 Section 1. Title and Purpose. This Ordinance shall be known and may be
2 cited as the "Liquor License Review Ordinance," and may also be referred to herein
3 as "this Ordinance."

4 The purposes of this Ordinance are to establish the principal criteria which
5 shall be considered by the City Council, and its designee, the City Manager, in
6 making recommendations to the Oregon Liquor Control Commission concerning
7 granting, denying, modifying, or renewing all liquor licenses for premises within
8 the city limits and to establish a process to be utilized for the investigation of such
9 license applicants for the purpose of making such recommendations that is fair,
10 effective, and efficient. This Ordinance is necessary to ensure that all premises
11 licensed to sell and dispense liquor in any form meet the high expectations of this
12 community and that all such businesses are conducted in a lawful manner that does
13 not unreasonably disturb the peace and tranquility of this city and its neighbors.

14 Section 2. Definition. For purposes of this Ordinance, the following
15 definitions shall apply:

- 16 1. "City Manager" means the person holding the position of City Manager
17 or any officer or employee of the City of Keizer delegated or assigned
18 any or all of the tasks of the City Manager herein.
- 19 2. "Application" means the written request to the City Manager to grant,
20 modify, or renew a liquor license.
- 21 3. "Commission" means the Oregon Liquor Control Commission.
- 22 4. "Special License" means a temporary license issued by the Commission
23 pursuant to ORS 471 and 472 for the purposes of serving beer, other
24 malt beverage, wine or similarly regulated fermented beverage in

1 exchange for some financial consideration and as part of a picnic,
2 convention, fair, civil or community enterprise or similar special event,
3 such as a spectator sports event, musical concert or festival, and for
4 which approval by the City must be obtained.

5 Section 3. License Application. Any person or business requesting a City
6 recommendation to the Commission on a liquor license application shall make
7 application upon forms furnished by the OLCC. The application shall contain the
8 following information:

- 9 1. The type of license applied for and a description of the nature of the
10 business for which the application is made.
- 11 2. The name of the applicant, with address; if the business is a partnership,
12 the names and addresses of all partners; if the business is a corporation,
13 the name and address of the home office, and the name and address of
14 the designated agent in the state; if a foreign corporation, the name and
15 address of the local agent or representative who will be in charge of the
16 business in the city.
- 17 3. The address of the location where the business will be located in the
18 city.
- 19 4. The date of application.
- 20 5. Any other information the City Manager or City Council deems necessary
21 for review.
- 22 6. A verification that the information submitted within the application is
23 true and accurate
- 24 7. The signature of the applicant or agent making the application.

- 1 8. The application shall be accompanied by the appropriate non-refundable
2 fee specified as follows:
- 3 a. In the case of an original application - \$70.00.
 - 4 b. For a change in ownership, change in location, or change in
5 privilege application - \$50.00.
 - 6 c. Except as provided in subsection (d) of this section, for renewal
7 and temporary license applications - \$35.00.
 - 8 d. For Special License applications - \$35.00. If the applicant for a
9 Special License can demonstrate that it is organized and operating
10 as a non-profit organization, no application fee to the City shall be
11 required.

12 Section 4. City Manager's Duties. The City Manager shall maintain a
13 record of all applications. The City Manager shall coordinate and conduct an
14 investigation of each application for the purpose of determining what
15 recommendation shall be made by the City Manager to the City Council or, in the
16 case of Special Licenses, to the Commission. The investigation may include those
17 subjects contained in the ordinances of the City of Keizer, as well as the statutes of
18 the State of Oregon. The City Manager may require the applicant to supply any
19 relevant additional information to determine the qualifications of the applicant. The
20 City Manager will provide a copy of all applications to the Keizer Police
21 Department, which will investigate and report on each application. The police
22 department reports shall be made a part of such recommendations. Upon completion
23 of the review and for all applications except Special Licenses, the City Manager
24 shall make a recommendation to the City Council. Upon completion of the review

1 for Special Licenses, the City Manager shall determine and advise the applicant and
2 the Commission what the recommendation of the City shall be in accordance with
3 the standards, criteria and procedures contained in this Ordinance.

4 Section 5. Hearing Procedure.

- 5 1. For all applications (except new locations and new outlets) for which
6 City Council approval is required under this Ordinance, and where the
7 City Manager recommends approval of an application, the matter will be
8 scheduled as a routine agenda item at the next regular City Council
9 meeting.
- 10 2. For any application which establishes a new location for a liquor license
11 outlet; or upon the request of a City Council member; a member of the
12 public; or where the City Manager's recommendation is adverse to the
13 application, by the applicant; a public hearing will be scheduled.
- 14 3. Notice of a public hearing before the City Council shall be given in the
15 following manner:
- 16 a. The notice shall contain the business name of the applicant, the
17 location of the business, the nature of the license applied for, and
18 the time and location at which the hearing will take place.
- 19 b. Notice shall be mailed to the applicant or applicant's agent at the
20 address shown on the application not less than 14 days before the
21 date set for the hearing.
- 22 c. Notice shall be published in a newspaper of general circulation in
23 the city not less than five (5) days before the date set for the
24 hearing.

1 4. The public hearing shall be conducted as follows:

- 2 a. The City Manager shall present the City Manager's report. Any
3 other written or oral evidence which is supportive of the City
4 Manager's recommendation may also be presented at this time.
- 5 b. The applicant may present evidence and/or witnesses in support
6 of the application.
- 7 c. Interested members of the public shall be given an opportunity to
8 present evidence or testimony bearing upon the application, whether
9 such evidence is supportive or adverse to the application.
- 10 d. The applicant shall be afforded an opportunity to rebut evidence
11 presented in opposition to the application.
- 12 e. Any relevant evidence shall be admitted, if it is the type of
13 evidence on which reasonable persons are accustomed to rely upon
14 in the conduct of their serious affairs, regardless of the existence
15 of any law or rule which might make improper the admission of
16 such evidence over objections in civil actions in courts of
17 competent jurisdiction in this state. Evidence of past transactions
18 and occurrences shall not be excluded solely on the basis of having
19 occurred in the past and may be relied upon by the City Council
20 in making its recommendation. However, irrelevant and unduly
21 repetitious evidence shall be excluded.

22 5. In the case of Special License applications, after due consideration of all
23 pertinent information, the City Manager shall make a recommendation.
24 The recommendation shall be based on substantial evidence relative to the

1 criteria in this Ordinance, ORS Chapters 471 and 472 and the public
2 health, safety and welfare. The City Manager may attach reasonable
3 conditions upon the recommendation, which conditions shall be consistent
4 with the purposes of this Ordinance. Where the City Manager
5 recommends approval of an application, the City Manager shall cause the
6 applicant to be notified of the recommendation. Where the City
7 Manager's recommendation is for denial or otherwise adverse to the
8 applicant, it may be appealed to the City Council in accordance with the
9 procedures provided in this section.

10 Section 6. Standards and Criteria. The City Manager shall make a
11 favorable recommendation to the City Council on an application filed pursuant to this
12 Ordinance unless one of the following conditions is present:

- 13 1. The application is opposed in writing by the Chief of Police, the
14 neighborhood association(s) with jurisdiction for the outlet location, or
15 by occupants or owners of property within 200 feet of the applicant's
16 present or proposed location.
- 17 2. Any member of the City Council requests a public hearing.
- 18 3. The City Manager determines the investigation reveals information which
19 warrants a public hearing.

20 The City Council shall make its recommendation for approval, denial, or
21 modification of the liquor license application based upon the City Council's
22 evaluation of the relevant standards and criteria, as set forth herein.

23 ///

24 ///

1 The applicant shall be held strictly accountable for the conditions of the
2 premises. The City Council may recommend against the applicant if any of the
3 following conditions exist:

- 4 1. The application is incomplete.
- 5 2. The applicant neglects or refuses to provide in a timely manner any
6 information reasonably requested by the City Manager, the City Council,
7 or any City employee.
- 8 3. The applicant provides false or misleading information to the City
9 Manager, the City Council, or any City employee.
- 10 4. The Zoning Classification (as determined by the City of Keizer Zoning
11 Map) in which the applicant proposes to locate the business does not
12 allow such business either as a permitted or conditional use.
- 13 5. The record of the applicant shows a violation(s) of criminal law(s) or
14 ordinance(s) connected in time, place, and manner with a liquor
15 establishment. The applicant has been convicted of a felony or of a
16 Class A misdemeanor involving moral turpitude.
- 17 6. There is a final order of a court or administrative agency in a criminal
18 or civil proceeding finding a failure to comply with the liquor laws of
19 this or any other state by the applicant.
- 20 7. In the case of an application for a new license or for an increase in
21 liquor selling or dispensing privilege, there are sufficient licensed
22 premises in the locality set out in the application and the license is not
23 demanded by public interest or convenience.

24 ///

1 8. The licensing of the premises would not be in the best interest of the
2 community due to a pattern of liquor related problems at or near the
3 premises. For purposes of this Ordinance, a pattern is defined as ten
4 (10) police calls for service, or six arrests, or three convictions connected
5 with any single activity, or combination of activities occurring within one
6 year preceding the date of the application, including, but not limited to,
7 the following:

- 8 a. Liquor law violations by the licensee or employees of the licensee;
- 9 b. Felony or misdemeanor behavior connected in time, place or
10 manner with the premises;
- 11 c. Obtrusive or excessive noise, music or sound vibrations;
- 12 d. Unlawful drug activity;
- 13 e. Alcohol or related litter;
- 14 f. Public drunkenness;
- 15 g. Trespassing on private property;
- 16 h. Fights, altercations, assaults or harassment;
- 17 i. Public urination;
- 18 j. Disrepair or unsanitary conditions at the premises;
- 19 k. Failure of the licensee to take appropriate action to prevent or
20 control problems caused by patrons on the premises or within the
21 local vicinity.

22 ///

23 ///

24 ///

1 1. Any other specific reason consistent with the purposes of this
2 Ordinance which, in the opinion of the City Manager or Chief of
3 Police, warrant an adverse report to the City Council based on
4 public health, safety, welfare, convenience or necessity.

5 Section 7. City Council Recommendation Procedures. For new licenses
6 or renewal of existing licenses for liquor serving establishments, the City Manager
7 by regular mail shall notify property owners within 200 feet of the outlet, and the
8 neighborhood association(s) with jurisdiction for the outlet location, of the
9 application and allowing those property owners and neighborhood association(s) not
10 less than 14 days from the date of mailing of such notification to file a written
11 response with the City Manager stating their position concerning such application.

12 If a written objection(s) is filed by a property owner(s) that is within 200 feet
13 of the outlet or by the neighborhood association(s) with jurisdiction for the outlet
14 location, the City Manager shall place the license hearing on the City Council
15 calendar not sooner than 14 days after the date of mailing notice of such hearing on
16 the application to the applicant, the affected neighborhood association(s), and the
17 objecting property owner(s).

18 Prior to a City Council hearing on the application, the applicant will be
19 notified of the time, date and place of the hearing, of the City Manager's
20 recommendation to the City Council, of the right to be heard at the City Council
21 hearing and of the contents of this Ordinance regarding procedures and
22 recommendations. Where a recommendation from the City Manager is not
23 favorable, it shall be the City Manager's responsibility to provide the applicant with
24 any reports relied upon in making the recommendation.

1 Section 8. Reconsideration of Applications.

- 2 1. After having made a recommendation other than favorable on any license
3 application, the City Council shall not consider any new application for
4 the same location by the same or substantially the same applicant for a
5 period of at least six (6) months, except as otherwise provided herein.
6 2. If the City Manager reasonably believes that the conditions which caused
7 the City Council to make a recommendation, other than a favorable
8 recommendation, have substantially changed and no court or
9 administrative appeal of such license is pending, then the City Manager
10 may reconsider and/or resubmit such application to the City Council.

11 Section 9. Severability Clause. If any article, section, subsection,
12 subdivision, phrase, clause, sentence or word in this Ordinance shall, for any reason,
13 be held invalid or unconstitutional by a court of competent jurisdiction, it shall not
14 nullify the remainder of the Ordinance, but shall be confined to the article, section,
15 subsection, subdivision, phrase, clause, sentence or word so held invalid or
16 unconstitutional.

17 Section 10. Emergency Clause. This Ordinance being necessary for the
18 immediate preservation of the public health, safety, and welfare, an emergency is
19 declared to exist and this Ordinance shall take effect immediately upon its passage.

20 ///

21 ///

22 ///

23 ///

24 ///

1 Section 11. Repeal. That Ordinance 88-129, an Ordinance Establishing a
2 Procedure for Liquor License Review and Council Recommendation to the Oregon
3 Liquor Control Commission, Declaring an Emergency and Repealing Ordinance
4 No. 83-011, as enacted on November 7, 1988, is hereby repealed.

5 PASSED this 6th day of February, 1995.

6 SIGNED this 8th day of February, 1995.

PASSED ON FIRST READING.

7
8 Mayor

9
10
11 City Recorder

2346COK2.004



August 19, 2002

AGENDA ITEM 6C

**RESOLUTION – DESIGNATING PORTION OF ALDER DRIVE AS NO
PARKING AREA**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**

SUBJECT: ALDER DRIVE NO PARKING ZONE

DATE: AUGUST 15, 2002

BACKGROUND:

The Alder Drive improvements are near completion. An ODOT grant and City resources funded this improvement. The purpose of this improvement is to provide a safe walking corridor to serve the two new schools and allow for additional east/west traffic connections in southeast Keizer. The innovative design, which manages storm water run off to meet the current Clean Water Act, is less than optimum. Some of the grass swales did not germinate properly and are too deep. Staff is in the process of adjusting the swale depth and will re-seed the areas needed to accomplish a completed project when the appropriate weather allows.

Prior to improvements in the current right of way on Alder Drive, several over flow vehicles from the apartments located at the intersection of Filbert Ave and Alder have been parking in existing Rights of Way. Since the Alder improvement, vehicles in this area continue to park in the Rights of Way of Alder and Filbert creating vision hazards for pedestrians, bicyclists and vehicles. Damage to the grass strips and swales is also becoming a problem. It is illegal to park in a bike path or on a sidewalk (Attachment A photos). In order to provide safe use of Alder and stop damage to the City's drainage system, a no parking zone should be established. Southeast Keizer Neighborhood Association supports a "no parking zone" along Alder. Staff contacted the residents along Alder by letter soliciting input on the "no parking zone" (Attachment B). The map provided with the staff report is the proposed location of the no parking zone (Attachment C).

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002- _____

3
4
5 DESIGNATING A "NO PARKING" ZONE ALONG ALDER DRIVE NE FROM
6 CHERRY AVENUE TO PLEASANTVIEW AVENUE AND APPROXIMATELY 200 FEET
7 NORTH ON FILBERT AVENUE NE

8
9
10 WHEREAS, the City Council of the City of Keizer has authority pursuant to
11 ORS 810.010(3) and 810.160 and Keizer Ordinance 86-059 to establish "No Parking" zones
12 where the Council deems it appropriate to preserve the public health, safety and welfare;
13 and

14 WHEREAS, Keizer Public Works Department has recommended "No Parking" zone
15 for the parking of vehicles along Alder Drive NE from Cherry Avenue to Pleasantview
16 Avenue and approximately 200 feet north on Filbert Avenue NE, Keizer, Oregon;

17 WHEREAS, the Keizer City Council held a public hearing on August 19th to receive
18 testimony and deliberate on the designation of No Parking along Alder Drive NE from
19 Cherry Avenue to Pleasantview Avenue and approximately 200 feet north on Filbert
20 Avenue NE, Keizer; NOW, THEREFORE

21 BE IT RESOLVED by the City Council of the City of Keizer that:

- 22 1. A "No Parking" zone is hereby established on Alder Drive NE from Cherry
23 Avenue to Pleasantview Avenue and approximately 200 feet north on Filbert
24 Avenue NE.

25 ////

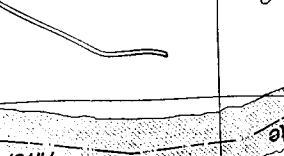
26 ////

BE IT FURTHER RESOLVED, that said Public Works Director is hereby directed and ordered to have said "No Parking" signs installed as indicated at the above described location.

PASSED this _____ day of _____, 2002.

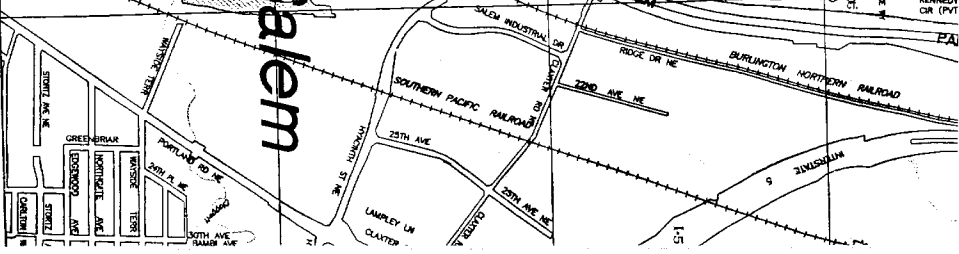
SIGNED this _____ day of _____, 2002.

N
↑



**NO PARKING
ZONE**

Salem



ATTACHMENT A







6-14-02



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

July 30, 2002

SAMPLE

Dear Mr.

At the August 19, 2002 City Council meeting, Council will consider the implementation of a no parking zone along Alder Drive from Cherry Ave to Pleasantview. Interested citizens regarding this issue are welcome to testify. If you need additional information on the proposed parking zone, please contact me at City Hall.

Sincerely:

Rob Kissler
Director Public Works

[illegible]

69 FILBERT ST

924 52 22 2

PARTRIDGE LANE

NOTE - REMAINDER OF THIS
PARCEL ON MAP 07 3W 11AB

EAST 418.05

EAST 419.06

AC

Ö

NORTH (357.09)

NORTH 180.05

NORTH 200.57

157.91

29 5A

251

80
3

08

100

August 14, 2002

led
8/15/02

To: Rob Kissler, Public Works
AND
Keizer City Council Members

RE: ALDER DR. NE

To whom it may concern:

#1. I have talked to my neighbors and others who own property on Alder Dr. regarding the parking problems and the ditch. Every one I talked to is up set or irate that there is "NO PARKING" for emergency crews or visitor parking. The emergency crews have to park in the road to assist those in need. We desparately need off the road parking.

#2. The City of Keizer has an ordinance regarding noxious weeds, yet the city is allowing the weeds to grow and spread seeds in our yards. The "JUNK" grass seeds that were planted is going to seeds and contaminating our yards and gardens. The city is not maining the ditch which goes to the two new schools. There is weeds three and four feet tall in places.

I respectfully request that the council members personally visit Alder Dr. NE and see for them selves what the problems are. This project has de-valued our real estate and made other hazzardous problems for school children and drivers.

I don't think any responsible members would want this done to (or) in front of their homes or property. Some residents are afraid to complain fearing retaliation against them or their property.

yours,

copies

Rob Kissler
City of Keizer Council
Rep. Darlene Hooly,
file

COPY



August 19, 2002

AGENDA ITEM 7a

**DELIBERATION - CHEMAWA ACTIVITY CENTER/KEIZER STATION
PLAN - TEXT AMENDMENT/COMPREHENSIVE PLAN CHANGE/ZONE
CHANGE CASE NO. 01-50**

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Through: Chris Eppley, City Manager

Date: August 15, 2002

Re: Deliberations for Text Amendment/Comprehensive Plan
Amendment/Zone Change Case No. 01-50; Amendment to
Chemawa Activity Center Plan – Proposed Keizer Station Plan

Please find attached a recommended checklist for the City Council to use as a guideline for deliberation for the Amendment to Chemawa Activity Center Plan – Proposed Keizer Station Plan. The checklist identifies the documents the City Council should have at the meeting for reference purposes. Also attached are copies of the identified SIC (Standard Industrial Classification) industry groups and codes that may be considered to be eliminated from the areas due to environmental, health, or transportation purposes.

If you have any questions regarding the recommended guidelines, references, or on any other matter related to this issue, please contact me at any time. Thank you.

Keizer Station Deliberation Checklist

Guideline for Discussion

NOTICE

BRING THESE DOCUMENTS TO FOLLOW THIS GUIDELINE FOR DISCUSSION:

- Original Bound Version of Staff Report (Staff Recommendation)
- Planning Commission Recommendation (PC Recommended Alternative)
- June 26, 2002 Staff Memorandum, Potential Design Standards
- Exhibit "A-107" – July 31, 2002 Staff Memorandum, Additional Information
- Exhibit "A-108" – July 31, 2002 Staff Memorandum, Public Works Info
- Keizer Comprehensive Plan
- Keizer Development Code

Important items to consider throughout deliberation of each checklist item to discuss:

- ◆ River Road Commerce Corridor
- ◆ Traffic on Lockhaven/Other Transportation Issues
- ◆ Local Improvement District and/or Tax Overlays for public safety and Entertainment & Sports Center facilities



Checklist Items

- ☐ Determine if there is a need to change the adopted 1997 Chemawa Activity Center Plan? (Yes/No) If Yes, go to next item. If No, decision is complete.



Acknowledge fundamental understanding of different comprehensive plan designations and zones.

Comprehensive Plan Designations

Commercial

(Keizer Comprehensive Plan, pg. 44, 45, & 47)

Industrial

(Keizer Comprehensive Plan, pg. 47 & 48)

Mixed Use

(Keizer Comprehensive Plan, pg. 43)

Special Planning District

New Designation (Exhibit "A-107" – July 31, 2002 Memorandum, Additional Information)

Zoning Designations

Industrial Business Park

(PC Recommended Alternative, Attachment H)

Industrial General

(Keizer Development Code, pg. 141, Sec. 2.114)

Employment General

(PC Recommended Alternative, Attachment A)

Commercial Mixed

(PC Recommended Alternative, Attachment E)

Commercial Retail

(Keizer Development Code, pg. 107, Sec. 2.109)

Mixed Use

(PC Recommended Alternative, Attachment F)

- ☐ Become aware of City, State and Federal ordinances/regulations on noise, noxious emissions, hazardous materials, street construction standards, traffic mitigation, etc. to understand what protections and regulations already exist.
-

- ☐ Determine Designation/Zone for each Sub-area within the Plan & Determine the specific desired uses allowed within each Sub-area.

* See color maps in Staff Report/Recommendation, Exhibit B, Chapter II, pg. 7 & 8.

- ☐ Village Center (Area A)

(PC Recommended Alternative, pg. 16-20, EG Zone – Attachment A)

Comprehensive Plan Designation	Zone	Uses
Special Planning District	EG (General Employment)	PC Recommended Alternative, Attachment A, pg. 1-7, Sec. 2.119.01 – 08)

Potential Uses to Eliminate from EG Zone (Industrial Park Uses)

For Environmental/Health Purposes:

- Manufacturing of Grain Mill Products (SIC 204)
- Manufacturing of Biological Products, Except Diagnostic Substances (SIC 2836)
- Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (SIC 284)
- Miscellaneous Plastic Products (SIC 308)

For Transportation Impact Purposes:

- Motor Freight Transportation and Warehousing (SIC 42)



☐ Entertainment & Sports Center (Area A)

(PC Recommended Alternative, IBP Zone – Attachment H & IG Zone – Keizer Development Code Section 2.114, pg. 141)

Comprehensive Plan Designation	Zone	Uses
Industrial	IBP (Industrial Business Park)	PC Recommended Alternative, Attachment H, pg. 1-6, Sec. 2.113.01 – 04)
Industrial	IG (General Industrial)	Keizer Development Code, pg. 141-144, Sec. 2.114.01 – 04)

Potential Uses to Eliminate from IBP & IG Zones (Industrial Park Uses)

For Environmental/Health Purposes:

- Manufacturing of Grain Mill Products (SIC 204)
- Manufacturing of Biological Products, Except Diagnostic Substances (SIC 2836)
- Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (SIC 284)
- Miscellaneous Plastic Products (SIC 308)

For Transportation Impact Purposes:

- Motor Freight Transportation and Warehousing (SIC 42)



☐ Retail Service Center (Area B)

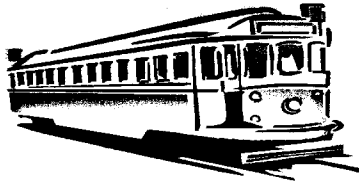
(PC Recommended Alternative, CM-LU Zone – Attachment E)

Comprehensive Plan Designation	Zone	Uses
Commercial	CM-LU (Commercial Mixed -Limited Use)	PC Recommended Alternative, Attachment E, pg. 1-5, Sec. 2.110.01 – 04)

☐ **Keizer Station Center (Area C)**

(PC Recommended Alternative, MU Zone – Attachment F)

Comprehensive Plan Designation	Zone	Uses
Mixed Use	MU (Mixed Use)	PC Recommended Alternative, Attachment F, pg. 1-4, Sec. 2.107.01 – 04)



☐ **Commerce Center (Area D)**

(PC Recommended Alternative, IBP Zone – Attachment H)

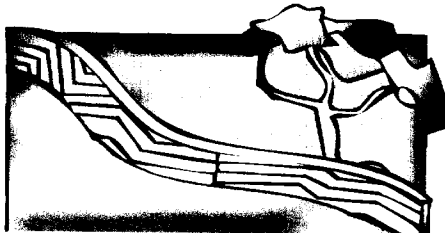
Comprehensive Plan Designation	Zone	Uses
Industrial	IBP (Industrial Business Park)	PC Recommended Alternative, Attachment H, pg. 1-6, Sec. 2.113.01 – 04)

Determine general design guidelines for each Sub-Area:

NOTE: *The following documents contain detailed information regarding design and master plan review requirements:*

- ◆ **Planning Commission Recommended Alternative Plan**
*Each zone has some standards identified (Landscaping, setbacks, etc.)
Attachment C – Keizer Station Master Plan Review
Attachment D – Development Standards
Attachment I – Activity Center Overlay Zone
- ◆ **June 26, 2002 Memorandum, Potential Design Standards**

- ☐ **Pedestrian orientated development**
(June 26, 2002 Memorandum, Potential Design Standards for Development in Keizer Station, Attachment C, pg. 4, Sec. C, Par. 1 a – e)
- ☐ **Crime prevention & security through design**
(June 26, 2002 Memorandum, Potential Design Standards for Development in Keizer Station, Attachment C, pg. 4, Sec. C, Par. 3, a – e)
- ☐ **Transit oriented development**
(June 26, 2002 Memorandum, Potential Design Standards for Development in Keizer Station, Attachment C, Sec. C, Par. 4 a – e.)
- ☐ **Human scale design**
(June 26, 2002 Memorandum, Potential Design Standards for Development in Keizer Station, Attachment C, pg. 4, Sec. C, Par. 6 a - c.)
- ☐ **Building size limitations**
(Staff Recommended Alternative, Attachment A, Sec. 2.119.08, Par. A)
(defined by "gross leasable space" vs. "area under roof")
- ☐ **Architectural delineation and roof lines**
(As per Council Work Session, Orenco Station site visit)
- ☐ **Building height restrictions**
(Staff Recommended Alternative, Attachment A, Sec. 2.119.10, Par. B)
- ☐ **Determine any additional specific design standards that may be appropriate for the individual areas** (themes, facades, awnings, building materials, street lights, etc.)
- ☐ **Evaluate landscaping requirements** (See Attachment for each zone)



Industry
Group
No.
204

Industry
No.

GRAIN MILL PRODUCTS—Con.

2048 Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats

Establishments primarily engaged in manufacturing prepared feeds and feed ingredients and adjuncts for animals and fowls, except dogs and cats. Included in this industry are poultry and livestock feed and feed ingredients, such as alfalfa meal, feed supplements, and feed concentrates and feed premixes. Also included are establishments primarily engaged in slaughtering animals for animal feed. Establishments primarily engaged in slaughtering animals for human consumption are classified in Industry Group 201. Establishments primarily engaged in manufacturing dog and cat foods are classified in Industry 2047.

Alfalfa, cubed
Alfalfa, prepared as feed for animals
Animal feeds, prepared: except dog and cat
Bird food, prepared
Buttermilk emulsion for animal food
Chicken feeds, prepared
Citrus seed meal
Earthworm food and bedding
Feed concentrates
Feed premixes
Feed supplements
Feeds, prepared (including mineral): for animals and fowls—except dogs and cats
Feeds, specialty: mice, guinea pigs, minks, etc.
Fish food
Hay, cubed
Horsemeat, except for human consumption

Kelp meal and pellets
Livestock feeds, supplements, and concentrates
Meal, bone: prepared as feed for animals and fowls
Mineral feed supplements
Oats: crimped, pulverized, and rolled: except breakfast food
Oyster shells, ground: used as feed for animals and fowls
Pet food, except dog and cat: canned, frozen, and dry
Poultry feeds, supplements, and concentrates
Shell crushing for feed
Slaughtering of animals, except for human consumption
Stock feeds, dry

205

BAKERY PRODUCTS

2051 Bread and Other Bakery Products, Except Cookies and Crackers

Establishments primarily engaged in manufacturing fresh or frozen bread and bread-type rolls and fresh cakes, pies, pastries and other similar "perishable" bakery products. Establishments primarily engaged in producing "dry" bakery products, such as biscuits, crackers, and cookies, are classified in Industry 2052. Establishments primarily engaged in manufacturing frozen bakery products, except bread and bread-type rolls, are classified in Industry 2053. Establishments producing bakery products primarily for direct sale on the premises to household consumers are classified in Retail Trade, Industry 5461.

Bagels
Bakery products, fresh: bread, cakes, doughnuts, and pastries
Bakery products, partially cooked: except frozen
Biscuits, baked: baking powder and raised
Bread, brown: Boston and other—canned
Bread, including frozen
Buns, bread-type (e.g., hamburger, hot dog), including frozen
Buns, sweet, except frozen
Cakes, bakery, except frozen

Charlotte Russe (bakery product, except frozen)
Croissants, except frozen
Cruellers, except frozen
Doughnuts, except frozen
Frozen bread and bread-type rolls
Kneishes, except frozen
Pastries, except frozen: e.g., Danish, French
Pies, bakery, except frozen
Rolls, bread-type, including frozen
Rolls, sweet, except frozen
Sponge goods, bakery, except frozen
Sweet yeast goods, except frozen

Industry
Group
No.

283

 Industry
No.
DRUGS—Con.**2836 Biological Products, Except Diagnostic Substances—Con.**
 Serums, except in vitro and in vivo
Toxins
Toxoids, except in vitro and in vivo
Tuberculin

 Vaccines
Venoms
Viruses

284

SOAP, DETERGENTS, AND CLEANING PREPARATIONS; PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS

This industry group includes establishments primarily engaged in manufacturing soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; and surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations.

2841 Soap and Other Detergents, Except Specialty Cleaners

Establishments primarily engaged in manufacturing soap, synthetic organic detergents, inorganic alkaline detergents, or any combination thereof, and establishments producing crude and refined glycerin from vegetable and animal fats and oils. Establishments primarily engaged in manufacturing shampoos or shaving products, whether from soap or synthetic detergents, are classified in Industry 2844; and those manufacturing synthetic glycerin are classified in Industry 2869.

 Detergents, synthetic organic and inorganic alkaline
Dishwashing compounds
Dye removing cream, soap base
Glycerin, crude and refined; from fats—except synthetic
Mechanics' paste

 Pressoaks
Scouring compounds
Soap: granulated, liquid, cake, flaked, and chip
Textile soap
Washing compounds
2842 Specialty Cleaning, Polishing, and Sanitation Preparations

Establishments primarily engaged in manufacturing furniture, metal, and other polishes; waxes and dressings for fabricated leather and other materials; household, institutional, and industrial plant disinfectants; nonpersonal deodorants; drycleaning preparations; household bleaches; and other sanitation preparations. Establishments primarily engaged in manufacturing industrial bleaches are classified in Industry 2819, and those manufacturing household pesticidal preparations are classified in Industry 2879.

 Ammonia, household
Aqua ammonia, household
Beeswax, processing of
Belt dressing
Blackings
Burnishing ink
Chlorine bleaching compounds, household; liquid or dry
Cleaning and polishing preparations
Cloths, dusting and polishing; chemically treated
Degreasing solvent
Deodorants, nonpersonal
Disinfectants, household and industrial plant
Drain pipe solvents and cleaners
Dressings for fabricated leather and other materials

 Drycleaning preparations
Dust mats, gelatin
Dusting cloths, chemically treated
Dye removing cream, petroleum base
Fabric softeners
Floor wax emulsion
Floor waxes
Furniture polish and wax
Glass window cleaning preparations
Harness dressing
Household bleaches, dry or liquid
Industrial plant disinfectants and deodorants
Ink eradicators
Ink, burnishing
Leather dressings and finishes
Lye, household
Paint and wallpaper cleaners

 Industry
Group
No.

284

2

21

28

Industry
Group
No.
283

Industry
No.

DRUGS—Con.

2834 Pharmaceutical Preparations—Con.

Ointments
Parenteral solutions
Penicillin preparations
Pharmaceuticals
Pills, pharmaceutical
Pituitary gland pharmaceutical preparations
Poultry and animal remedies
Powders, pharmaceutical
Procaine pharmaceutical preparations
Proprietary drug products
Remedies, human and animal
Sodium chloride solution for injection, U.S.P.
Sodium salicylate tablets
Solutions, pharmaceutical

Spirits, pharmaceutical
Suppositories
Syrups, pharmaceutical
Tablets, pharmaceutical
Thyroid preparations
Tinctures, pharmaceutical
Tranquilizers and mental drug preparations
Vernifuges
Veterinary pharmaceutical preparations
Vitamin preparations
Water decontamination or purification tablets
Water, sterile, for injections
Zinc ointment

2835 In Vitro and In Vivo Diagnostic Substances

Establishments primarily engaged in manufacturing in vitro and in vivo diagnostic substances, whether or not packaged for retail sale. These materials are chemical, biological, or radioactive substances used in diagnosing or monitoring the state of human or veterinary health by identifying and measuring normal or abnormal constituents of body fluids or tissues.

Angiographic diagnostic agents
Barium diagnostic agents
Blood derivative diagnostic reagents
Clinical chemistry reagents (including toxicology)
Clinical chemistry standards and controls (including toxicology)
Coagulation diagnostic reagents
Cold kits for labeling with technetium
Contrast media diagnostic products (e.g., iodine and barium)
Cytology and histology diagnostic products
Diagnostic agents, biological
Electrolyte diagnostic reagents

Enzyme and isoenzyme diagnostic reagents
Hematology diagnostic reagents
In vitro diagnostics
In vivo diagnostics
In vivo radioactive reagents
Iodinated diagnostic agents
Metabolite diagnostic reagents
Microbiology, virology, and serology diagnostic products
Pregnancy test kits
Radioactive diagnostic substances
Technetium products
Viral test diagnostic reagents

2836 Biological Products, Except Diagnostic Substances

Establishments primarily engaged in the production of bacterial and virus vaccines, toxoids, and analogous products (such as allergenic extracts), serums, plasmas, and other blood derivatives for human or veterinary use, other than in vitro and in vivo diagnostic substances. Included in this industry are establishments primarily engaged in the production of microbiological products for other uses. Establishments primarily engaged in manufacturing in vitro and in vivo diagnostic substances are classified in Industry 2835.

Agar culture media, except in vitro and in vivo
Aggressins, except in vitro and in vivo
Allergenic extracts, except in vitro and in vivo
Allergens
Anti-bog-cholera serums
Antigens
Antiserums
Antitoxins
Antivenin
Bacterial vaccines
Bacterina, except in vitro and in vivo
Bacteriological media, except in vitro and in vivo

Biological and allied products: antitoxins, bacterina, vaccines, viruses, except in vitro and in vivo
Blood derivatives, for human or veterinary use, except in vitro and in vivo
Coagulation products
Culture media or concentrates, except in vitro and in vivo
Diphtheria toxin
Hematology products, except in vitro and in vivo reagents
Plasmas
Pollen extracts, except in vitro and in vivo
Serobacterins

Industry
Group
No. Industry
No.

283

DRUGS—Con.**2836 Biological Products, Except Diagnostic Substances—Con.**

Serums, except in vitro and in vivo
Toxins
Toxoids, except in vitro and in vivo
Tuberculina

Vaccines
Venoms
Viruses

284

SOAP, DETERGENTS, AND CLEANING PREPARATIONS; PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS

This industry group includes establishments primarily engaged in manufacturing soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; and surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations.

2841 Soap and Other Detergents, Except Specialty Cleaners

Establishments primarily engaged in manufacturing soap, synthetic organic detergents, inorganic alkaline detergents, or any combination thereof, and establishments producing crude and refined glycerin from vegetable and animal fats and oils. Establishments primarily engaged in manufacturing shampoos or shaving products, whether from soap or synthetic detergents, are classified in Industry 2844; and those manufacturing synthetic glycerin are classified in Industry 2869.

Detergents, synthetic organic and inorganic alkaline
Dishwashing compounds
Dye removing cream, soap base
Glycerin, crude and refined: from fats—except synthetic
Mechanics' paste

Presoaks
Scouring compounds
Soap: granulated, liquid, cake, flaked, and chip
Textile soap
Washing compounds

2842 Specialty Cleaning, Polishing, and Sanitation Preparations

Establishments primarily engaged in manufacturing furniture, metal, and other polishes; waxes and dressings for fabricated leather and other materials; household, institutional, and industrial plant disinfectants; nonpersonal deodorants; drycleaning preparations; household bleaches; and other sanitation preparations. Establishments primarily engaged in manufacturing industrial bleaches are classified in Industry 2819, and those manufacturing household pesticidal preparations are classified in Industry 2879.

Ammonia, household
Aqua ammonia, household
Beeswax, processing of
Belt dressing
Blackings
Burnishing ink
Chlorine bleaching compounds, household: liquid or dry
Cleaning and polishing preparations
Cloths, dusting and polishing: chemically treated
Degreasing solvent
Deodorants, nonpersonal
Disinfectants, household and industrial plant
Drain pipe solvents and cleaners
Dressings for fabricated leather and other materials

Drycleaning preparations
Dust mats, gelatin
Dusting cloths, chemically treated
Dye removing cream, petroleum base
Fabric softeners
Floor wax emulsion
Floor waxes
Furniture polish and wax
Glass window cleaning preparations
Harness dressing
Household bleaches, dry or liquid
Industrial plant disinfectants and deodorants
Ink erasers
Ink, burnishing
Leather dressings and finishes
Lye, household
Paint and wallpaper cleaners

Industry
Group
No.
284

Industry
No.

SOAP, DETERGENTS, AND CLEANING PREPARATIONS; PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS—Con.

2842 Specialty Cleaning, Polishing, and Sanitation Preparations—Con.

Polishes: furniture, automobile, metal, shoe, and stove
Re-refining drycleaning fluid
Rug, upholstery, and drycleaning detergents and spotters
Rust removers
Saddle soap
Sanitation preparations
Shoe cleaners and polishes
Sodium hypochlorite (household bleach)

Stain removers
Starch preparations, laundry
Starches, plastics
Sweeping compounds, oil and water absorbent, clay or sawdust
Wallpaper cleaners
Wax removers
Waxes for wood, fabricated leather, and other materials
Window cleaning preparations

2843 Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants

Establishments primarily engaged in producing surface active preparations for use as wetting agents, emulsifiers, and penetrants. Establishments engaged in producing sulfonated oils and fats and related products are also included.

Assistants, textile and leather processing
Calcium salts of sulfonated oils, fats, or greases
Cod oil, sulfonated
Emulsifiers, except food and pharmaceutical
Finishing agents, textile and leather
Mordants
Oil, turkey red
Oils, soluble (textile assistants)

Penetrants
Sodium salts of sulfonated oils, fats, or greases
Softeners (textile assistants)
Soluble oils and greases
Sulfonated oils, fats, and greases
Surface active agents
Textile processing assistants
Textile scouring compounds and wetting agents
Thin water (admixture)

2844 Perfumes, Cosmetics, and Other Toilet Preparations

Establishments primarily engaged in manufacturing perfumes (natural and synthetic), cosmetics, and other toilet preparations. This industry also includes establishments primarily engaged in blending and compounding perfume bases; and those manufacturing shampoos and shaving products, whether from soap or synthetic detergents. Establishments primarily engaged in manufacturing synthetic perfume and flavoring materials are classified in Industry 2869, and those manufacturing essential oils are classified in Industry 2899.

Bath salts
Bay rum
Body powder
Colognes
Concentrates, perfume
Cosmetic creams
Cosmetic lotions and oils
Cosmetics
Dentifrices
Denture cleaners
Deodorants, personal
Depilatories, cosmetic
Dressings, cosmetic
Face creams and lotions
Face powders
Hair coloring preparations
Hair preparations: dressings, rinses, tonics, and scalp conditioners
Home permanent kits
Lipsticks

Manicure preparations
Mouthwashes
Perfume bases, blending and compounding
Perfumes, natural and synthetic
Rouge, cosmetic
Sachet
Shampoo, hair
Shaving preparations: e.g., cakes, creams, lotions, powders, tablets
Soap impregnated papers and paper washcloths
Suntan lotions and oils
Talcum powders
Toilet creams, powders, and waters
Toilet preparations
Toothpastes and powders
Towelettes, premoistened
Washes, cosmetic

Industry
Group
No.Industry
No.

306

**FABRICATED RUBBER PRODUCTS, NOT ELSEWHERE CLASSIFIED—
Con.****3069 Fabricated Rubber Products, Not Elsewhere Classified—Con.**

Tape, pressure sensitive (including friction), rubber
Teething rings, rubber
Thermometer cases, rubber
Thread, rubber: except fabric covered
Tile, rubber
Top lift sheets, rubber
Top roll covering, for textile mill machinery: rubber
Toys, rubber: except dolls
Trays, rubber
Tubing, rubber: except extruded and lathe-cut

Type, rubber
Urinals, rubber
Valves, hard rubber
Wallcovering, rubber
Wallcoverings, rubber
Water bottles, rubber
Weather strip, sponge rubber
Wet suits, rubber

308

MISCELLANEOUS PLASTICS PRODUCTS**3081 Unsupported Plastics Film and Sheet**

Establishments primarily engaged in manufacturing unsupported plastics film and sheet, from purchased resins or from resins produced in the same plant. Establishments primarily engaged in manufacturing plastics film and sheet for blister and bubble formed packaging are classified in Industry 3089.

Cellulosic plastics film and sheet, unsupported
Film, plastic: unsupported
Photographic, micrographic, and X-ray plastics, sheet, and film: unsupported
Polyester film and sheet, unsupported
Polyethylene film and sheet, unsupported

Polypropylene film and sheet, unsupported
Polyvinyl film and sheet, unsupported
Sheet, plastic: unsupported
Vinyl and vinyl copolymer film and sheet, unsupported

3082 Unsupported Plastics Profile Shapes

Establishments primarily engaged in manufacturing unsupported plastics profiles, rods, tubes, and other shapes. Establishments primarily engaged in manufacturing plastics hose are classified in Industry 3052.

Profiles, unsupported plastics
Rods, unsupported plastics

Tubes, unsupported plastics

3083 Laminated Plastics Plate, Sheet, and Profile Shapes

Establishments primarily engaged in manufacturing laminated plastics plate, sheet, profiles, rods, and tubes. Establishments primarily engaged in manufacturing laminated flexible packaging are classified in Industry Group 267.

Plastics, laminated: plate, rods, tubes, profiles and sheet, except flexible packaging
Thermoplastics laminates: rods, tubes, plates, and sheet, except flexible packaging

Thermosetting laminates: rods, tubes, plates, and sheet, except flexible packaging

3084 Plastics Pipe

Establishments primarily engaged in manufacturing plastics pipe. Establishments primarily engaged in manufacturing plastics pipe fittings are classified in Industry 3089.

Pipe, plastics

Indu
Gro
N
308

Industry
Group
No.Industry
No.

308

MISCELLANEOUS PLASTICS PRODUCTS—Con.

3085 Plastics Bottles

Establishments primarily engaged in manufacturing plastics bottles.

Bottles, plastics

3086 Plastics Foam Products

Establishments primarily engaged in manufacturing plastics foam products.

Cups, foamed plastics
Cushions, carpet and rug: plastics foam
Foamed plastics products
Ice chests or coolers, portable: foamed plastics

Insulation and cushioning: foamed plastics
Packaging foamed plastics
Plates, foamed plastics
Shipping pads, plastics foam

3087 Custom Compounding of Purchased Plastics Resins

Establishments primarily engaged in custom compounding of purchased plastics resins.

Custom compounding of purchased resins

3088 Plastics Plumbing Fixtures

Establishments primarily engaged in manufacturing plastics plumbing fixtures. Establishments primarily engaged in assembling plastics plumbing fixture fittings are classified in Industry 3432. Establishments primarily engaged in manufacturing plastics plumbing fixture components are classified in Industry 3089.

Bathroom fixtures, plastics
Drinking fountains, except mechanically refrigerated plastics
Flush tanks, plastics
Hot tubs, plastics or fiberglass
Laundry tubs, plastics
Lavatories, plastics
Plumbing fixtures, plastics

Portable chemical toilets, plastics
Shower stalls, plastics
Sinks, plastics
Toilet fixtures, plastics
Tubs, plastics: bath, shower, and laundry
Urinals, plastics
Water closets, plastics

3089 Plastics Products, Not Elsewhere Classified

Establishments primarily engaged in manufacturing plastics products, not elsewhere classified. Establishments primarily engaged in manufacturing artificial leather are classified in Industry 2295.

Air mattresses, plastics
Aquarium accessories, plastics
Awnings, fiberglass and plastics combination
Bands, plastics
Bathware, plastics: except plumbing fixtures
Battery cases, plastics
Bearings, plastics
Billfold inserts, plastics
Blister packaging, plastics
Boats, nonrigid: plastics
Bolts, plastics
Bowl covers, plastics
Boxes, plastics
Brush handles, plastics
Bubble formed packaging, plastics
Buckets, plastics
Buoys and floats, plastics
Caps, plastics
Carafes, plastics
Casein products, molded for the trade

Cases, plastics
Casting of plastics for the trade, except foam plastics
Ceiling tile, unsupported plastics
Celluloid products, molded for the trade
Closures, plastics
Clothes hangers, plastics
Clothespins, plastics
Combs, plastics
Composition stone, plastics
Containers, plastics: except foam, bottles, and bags
Corrugated panels, plastics
Cotter pins, plastics
Counter coverings, plastics
Cups, plastics: except foam
Dinnerware, plastics: except foam
Dishes, plastics: except foam
Doors, folding: plastics or plastics coated fabric
Downspouts, plastics
Drums, plastics (containers)

Industry
Group
No. 308

Industry
No.

MISCELLANEOUS PLASTICS PRODUCTS—Con.

3089 Plastics Products, Not Elsewhere Classified—Con.

Engraving of plastics
Fascia, plastics (siding)
Fittings for pipe, plastics
Fittings, plastics
Flat panels, plastics
Floor coverings, plastics
Flower pots, plastics
Food casings, plastics
Garbage containers, plastics
Gate hooks, plastics
Glazing panels, plastics
Gloves and mittens, plastics
Grower pots, plastics
Gutters, plastics: glass fiber reinforced
Hardware, plastics
Heels, boot and shoe: plastics
Holders, plastics: papertowel, grocery bag, dust mop and broom
Hospitalware, plastics: except foam
Ice buckets, plastics: except foam
Ice chests or coolers, portable, plastics: except insulated or foam plastics
Jars, plastics
Kitchenware, plastics: except foam
Laboratoryware, plastics
Ladders, plastics
Lamp bases, plastics
Lamp shades, plastics
Lenses, plastics: except ophthalmic or optical
Lifejackets, plastics
Liferafts, nonrigid: plastics
Lock washers, plastics
Machine nuts, plastics
Microwaveable, plastics
Molding of plastics for the trade, except foam
Monofilaments, plastics: not suited for textile use
Netting, plastics
Nuts, plastics
Organizers for closets, drawers, and shelves: plastics
Ovensware, plastics
Pails, plastics
Picnic jugs, plastics
Planters, plastics

Pontoons, nonrigid: plastics
Printer acoustic covers, plastics
Rivets, plastics
Sauces, plastics: except foam
Screw eyes, plastics
Scrubbing pads, plastics
Septic tanks, plastics
Shutters, plastics
Siding, plastics
Sinkware, plastics
Skirts, plastics (siding)
Softie, plastics (siding)
Soles, boot and shoe: plastics
Soling strips, boot and shoe: plastics
Sponges, plastics
Spouting, plastics: glass fiber reinforced
Spring pins, plastics
Spring washers, plastics
Suitcase shells, plastics
Swimming pool covers and blankets: plastics
Tableware, plastics: except foam
Tires, plastics
Tissue dispensers, plastics
Toggle bolts, plastics
Tool handles, plastics
Tops, plastics (e.g., dispenser, shaker)
Trash containers, plastics
Trays, plastics: except foam
Tube, plastics (containers)
Tumblers, plastics: except foam
Unions, plastics
Utility containers, plastics
Vials, plastics
Vulcanized fiber plate, sheet, rods and tubes
Wall coverings, plastics
Warners, bottle: plastics, except foam
Washers, plastics
Watering pots, plastics
Window frames and sash, plastics
Window screening, plastics
Windows, louver: plastics
Windows, storm: plastics
Windshields, plastics
Work gloves, plastics

Major Group 42.—MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING

The Major Group as a Whole

This major group includes establishments furnishing local or long-distance trucking or transfer services, or those engaged in the storage of farm products, furniture and other household goods, or commercial goods of any nature. The operation of terminal facilities for handling freight, with or without maintenance facilities, is also included. Establishments primarily engaged in the storage of natural gas are classified in Industry 4922. Field warehousing is classified in Services, Industry 7389. Establishments of the United States Postal Service are classified in Major Group 43.

Industry Group No.	Industry No.
--------------------------	-----------------

421

TRUCKING AND COURIER SERVICES, EXCEPT AIR

4212 Local Trucking Without Storage

Establishments primarily engaged in furnishing trucking or transfer services without storage for freight generally weighing more than 100 pounds, in a single municipality, contiguous municipalities, or a municipality and its suburban areas. Establishments primarily engaged in furnishing local courier services for letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4215; those engaged in collecting and disposing of refuse by processing or destruction of materials are classified in Industry 4953; those engaged in removing overburden from mines or quarries are classified in Division B, Mining; and construction contractors hauling dirt and rock as a part of their construction activity are classified in Division C, Construction.

Baggage transfer
Carting, by truck or horse drawn wagon
Debris removal, local carting only
Drying, local, without storage
Farm to market hauling
Furniture moving, local, without storage
Garbage, local collecting and transporting, without disposal
Hauling live animals, local

Hauling, by dump truck
Local trucking, without storage
Log trucking
Mail carriers, bulk, contract local
Refuse, local collecting and transporting, without disposal
Rental of trucks with drivers
Safe moving, local
Star routes, local
Truck rental for local use, with drivers
Trucking timber

4213 Trucking, Except Local

Establishments primarily engaged in furnishing "over-the-road" trucking services or trucking services and storage services, including household goods either as common carriers or under special or individual contracts or agreements, for freight generally weighing more than 100 pounds. Such operations are principally outside a single municipality, outside one group of contiguous municipalities, or outside a single municipality and its suburban areas. Establishments primarily engaged in furnishing air courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4513 and other courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4215.

Industry
Group
No.

Industry
No.

421 TRUCKING AND COURIER SERVICES, EXCEPT AIR—Con.

4213 Trucking, Except Local—Con.

Long-distance trucking
Over-the-road trucking
Trucking rental with drivers, except for
local use

Trucking, except local

4214 Local Trucking With Storage

Establishments primarily engaged in furnishing both trucking and storage services, including household goods, within a single municipality, contiguous municipalities, or a municipality and its suburban areas. Establishments primarily engaged in furnishing warehousing and storage of household goods when not combined with trucking are classified in Industry 4226. Establishments primarily engaged in furnishing local courier services for letters, parcels, and packages weighing less than 100 pounds are classified in Industry 4215.

Furniture moving, local: combined with
storage
Household goods moving, local: com-
bined with storage

Trucking, local: combined with storage

4215 Courier Services, Except by Air

Establishments primarily engaged in the delivery of individually addressed letters, parcels, and packages (generally under 100 pounds), except by means of air transportation or by the United States Postal Service. Delivery is usually made by street or highway within a local area or between cities. Establishments primarily engaged in furnishing air delivery of individually addressed letters, parcels, and packages, except by the United States Postal Service, are classified in Industry 4513, and establishments of the United States Postal Service are classified in Industry 4311. Establishments primarily engaged in the delivery of advertising and other unaddressed letters, parcels, and packages are classified in Industry 7319. Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation, but making use of other transportation establishments to effect the entire delivery, are classified in Industry 4731. Establishments primarily engaged in furnishing armored car services are classified in Services, Industry 7381.

Courier services, except by air
Letter delivery, private: except air
Mail delivery, private: except air

Package delivery, private: except air
Parcel delivery, private: except air

422

PUBLIC WAREHOUSING AND STORAGE

4221 Farm Product Warehousing and Storage

Establishments primarily engaged in the warehousing and storage of farm products. Establishments primarily engaged in refrigerated warehousing are classified in Industry 4222.

Bean elevators, except sale
Cotton compresses and warehouses
Farm product warehousing and storage,
other than cold storage

Grain elevators, storage only
Potato cellars
Tobacco warehousing and storage
Wool and mohair warehousing

Industry
Group
No.
422

Industry
No.

PUBLIC WAREHOUSING AND STORAGE—Con.

4222 Refrigerated Warehousing and Storage

Establishments primarily engaged in the warehousing and storage of perishable goods under refrigeration. The establishments may also rent locker space for the storage of food products for individual households and provide incidental services for processing, preparing, or packaging such food for storage. Establishments primarily selling frozen foods for home freezers (freezer and locker meat provisioners) are classified in Retail Trade, Industry 5421.

Cheese warehouses
Cold storage locker rental
Food lockers, rental
Frozen food locker rental

Storage, frozen or refrigerated goods
Warehousing, cold storage or refrigerated

4225 General Warehousing and Storage

Establishments primarily engaged in the warehousing and storage of a general line of goods. The warehousing of goods at foreign trade zones is classified in Industry 4226. Field warehousing is classified in Services, Industry 7389.

General warehousing and storage
Miniwarehouse warehousing

Warehousing, self-storage

4226 Special Warehousing and Storage, Not Elsewhere Classified

Establishments primarily engaged in the warehousing and storage of special products, not elsewhere classified, such as household goods, automobiles (dead storage only), furs (for the trade), textiles, whiskey, and goods at foreign trade zones. Warehouses primarily engaged in blending wines are classified in Wholesale Trade, Industry 5182.

Automobile dead storage
Fur storage for the trade
Furniture storage, without local trucking
Household goods warehousing and storage, without local trucking
Lumber terminals, storage for hire
Oil and gasoline storage caverns for hire
Petroleum and chemical bulk stations and terminals for hire

Storage of goods at foreign trade zones
Storage, special: except farm products and cold storage
Textile warehousing
Warehousing of goods at foreign trade zones
Warehousing, special: except farm products and cold storage
Whiskey warehousing

423

TERMINAL AND JOINT TERMINAL MAINTENANCE FACILITIES FOR MOTOR FREIGHT TRANSPORTATION

4231 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation

Establishments primarily engaged in the operation of terminal facilities used by highway-type property carrying vehicles. Also included are terminals which provide maintenance and service for motor vehicles. Terminals operated by motor freight transportation companies for their own use are classified in Industry Group 421. Separate maintenance and service facilities operated by motor freight transportation companies are classified as auxiliary. Establishments primarily engaged in the repair of trucks are classified in Services, Industry Group 753.

Freight trucking terminals, with or without maintenance facilities



August 19, 2002

AGENDA ITEM 7b

**RESOLUTION – PLACING A BALLOT MEASURE ON THE NOVEMBER
5, 2002 ELECTION FOR CHARTER AMENDMENT/PARKS TAX**

CITY COUNCIL MEETING: August 19, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: JOHN A. LIEN, CITY ATTORNEY *JA*

SUBJECT: PARKS FUNDING PROPOSAL

After your discussion of the parks funding proposal at the last Council meeting, you directed staff to make some revisions in the proposed Charter amendment language. The word "tax" has been substituted for "fee" in the revised resolution and attachments. You also directed staff to insert the word "flat" in order to indicate that the tax imposed would be a fixed sum. My research revealed that the tax term to describe a fixed sum is "specific tax" rather than "flat tax." A "specific tax" is defined as a tax imposed as a fixed sum on each article or item or property of a given class or kind without regard to its value. With Councilor Walsh's consent, I have used "specific tax" rather than "flat tax" since it has a generally accepted legal definition and accomplishes the purpose of the Council. I have also added "improve" to make it clear that park improvement is a permitted use of the funds.

I have revised the ballot title and explanatory statement to reflect these changes. I have included the definition of a "specific tax" in the summary and explanatory statement so that voters will understand what is intended.

Councilor Walsh also inquired about adding language in the Charter amendment indicating that the tax would be on "dwelling units". I have attached an alternate set of documents incorporating "dwelling unit" as another limitation in the Charter amendment. I deliberately left the refining of that term to the ordinance establishing the specific tax. A specific tax on a dwelling unit may be considered a tax on property within the definition of Measure 5 and consequently subject to its limitations. The definition to be included in the ordinance establishing the specific tax can refine the meaning of a dwelling unit in an effort to make it clear that this charge is not a tax within the definition in Measure 5.

Parks Funding Proposal

Page 2

The following is a more organized attempt to answer some of the other questions that came up at the last Council meeting:

Q. Does a Charter amendment require a vote?

A. Yes.

Q. Can the City Council impose a fee without a vote of the people?

A. Yes.

Q. Can the Council impose an ad valorem property tax that exceeds the constitutional limitations adopted under Measure 50 without a vote?

A. No.

Q. Can the Council adopt a specific tax which is not an ad valorem tax on property without a vote?

A. Yes.

Q. Do the Measure 5 property tax limitations apply to "taxes on property" even if the tax is not an ad valorem property tax?

A. Yes.

Q. What is a tax under Measure 5 limitations?

A. A "tax" is any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements.

Q. What are the property tax limitations on local governments imposed by Measure 5?

A. Governments other than schools have a \$10.00 limit on property taxes per \$1,000 of real market value.

Parks Funding Proposal

Page 3

- Q. What happens if the taxes imposed by other governments exceed the \$10.00 limit?
- A. All taxes making up the total taxes are reduced in order to meet the limitation for that category. This is commonly referred to as "compression".
- Q. Is the proposed parks funding tax an "incurred charge" under Measure 5?
- A. No. An "incurred charge" is specifically limited to those charges by the government which can be controlled or avoided by the property owner.
- Q. Does using the word "tax" instead of "fee" effect the legal analysis of the Charter amendment and subsequent ordinance?
- A. Yes. In a challenge, I believe the court will begin its analysis by accepting your terminology. If you call it a "tax", the court will assume you are imposing a tax and review it accordingly. Conversely, if you call it a "fee", the court will assume you are imposing a fee and analyze it from that viewpoint. If you want the charge to be outside the property tax limitations, you should call it a "fee" and structure it accordingly. A charge called a "tax", but structured like a fee is more likely to be judged a tax because that is what you labeled it.
- Q. Are "fees" subject to the property tax limitations of Measure 5?
- A. No. A properly structured "fee" is not a tax on property under the provisions set forth by Measure 5.
- Q. Are taxes imposed on the use of property subject to the limitations imposed by Measure 5?
- A. No, if carefully structured so that the charge is not imposed upon property or upon property owners as a direct consequence of property ownership. The charges may relate to real property so long as they are not imposed upon real property.

RECOMMENDATION:

Vote on the attached Resolution and give staff direction regarding an implementation ordinance.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 CHARTER AMENDMENT ELECTION

4 WHEREAS, the City of Keizer has limited revenue available to fund the City's
5 operation; and

6 WHEREAS, the City of Keizer budget committee has thoroughly studied the
7 City's financial condition and determined that the City's general tax fund will not be
8 able to adequately support the City parks in the future; and

9 WHEREAS, the City Parks and Recreation Advisory Board, after careful
10 consideration, proposed that the City collect a separate fee to provide funds for
11 maintaining, improving and operating City parks and acquiring additional parks if
12 determined to be necessary by the Park's Master Plan and with public input; and

13 WHEREAS, the City Council has determined that it is appropriate for Keizer
14 voters to decide if the City Charter should be amended to specifically approve the City
15 Council establishing and collecting a specific tax that would be used to maintain,
16 operate, improve and acquire municipal parks;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the Keizer City
19 Charter amendment as set forth in Exhibit "A", attached hereto and by this reference
20 incorporated herein, be filed with the City Elections Officer to be referred to a vote of

1 the people by placing the Keizer City Charter amendment on the ballot at the next
2 available election date in accordance with Oregon law.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
4 Ballot Title set forth in Exhibit "B", attached hereto and by this reference incorporated
5 herein, be filed with the City Elections Officer.

6 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
7 explanatory statement set forth in Exhibit "C", attached hereto and by this reference
8 incorporated herein be filed with the city elections officer for use in the Voter's
9 Pamphlet.

10 PASSED this _____ day of _____, 2002.

11 SIGNED this _____ day of _____, 2002.

12 _____
13 Mayor

14 _____
15 City Recorder

BALLOT TITLE

Caption

CHARTER AMENDMENT APPROVING COLLECTION OF SPECIFIC TAX FOR PARKS.

Question

Shall Charter be amended to approve City Council establishing and collecting specific tax to maintain, operate, improve, acquire municipal parks?

Summary

This measure is a Charter amendment. The Keizer City Council referred this Charter amendment to the voters. This measure, if approved, would add Section 45 to the Keizer City Charter in Chapter X - Miscellaneous Provisions as follows:

Section 45. PARKS TAX. The City Council by Ordinance may establish and collect a specific tax (not ad valorem tax) to maintain, operate, improve and acquire municipal parks.

This Charter amendment approves of the Keizer City Council establishing and collecting a specific tax. A specific tax is a tax imposed as a fixed sum on each article or item or property of a given class or kind, without regard to its value. A specific tax is not an ad valorem tax. The Keizer City Council sets the specific tax by adopting an Ordinance. The ordinance also establishes who pays the specific tax and the collection procedure. The revenue raised by the specific tax must be used by the City of Keizer to maintain, operate, improve and acquire municipal parks.

EXPLANATORY STATEMENT

This measure is a Charter amendment referred to the voters by the Keizer City Council. If approved, this measure would add Section 45 to the Keizer City Charter in Chapter X - Miscellaneous Provisions as follows:

Section 45. PARKS TAX. The City Council by Ordinance may establish and collect a specific tax (not ad valorem tax) to maintain, operate, improve and acquire municipal parks.

A vote "yes" on this measure approves of the Keizer City Council establishing and collecting a specific tax. A specific tax is a tax imposed as a fixed sum on each article or item or property of a given class or kind, without regard to its value. A specific tax is not an ad valorem tax. The Keizer City Council sets the specific tax by adopting an ordinance at a city council meeting. The amount of the specific tax, who the specific tax is collected from and how it is collected is also established by city ordinance. Pursuant to this Charter amendment, the revenue raised by this specific tax must be used by the City of Keizer to maintain, operate, improve and acquire municipal parks.

BALLOT TITLE

Caption

CHARTER AMENDMENT APPROVES COLLECTING SPECIFIC TAX ON DWELLINGS FOR PARKS.

Question

Shall Charter be amended to approve City Council establishing/collecting specific tax per dwelling to maintain, operate, improve, acquire parks?

Summary

This measure is a Charter amendment. This measure, if approved, adds the following paragraph to the Charter:

Section 45. PARKS TAX. The City Council by Ordinance may establish and collect a specific tax (not ad valorem tax) per dwelling unit as that term is defined by the ordinance establishing the specific tax. The revenue raised by this specific tax will be used to maintain, operate, improve and acquire municipal parks.

This Charter amendment approves of the Keizer City Council establishing and collecting a specific tax. A specific tax is a tax imposed as a fixed sum on each article or item or property of a given class or kind, without regard to its value. The Keizer City Council sets the specific tax by adopting an Ordinance. This specific tax is imposed upon a dwelling unit as defined in the ordinance establishing the specific tax. The ordinance also establishes the collection procedure. The revenue raised by the specific tax will be used by the City of Keizer to maintain, operate, improve and acquire municipal parks.

EXPLANATORY STATEMENT

This measure is a Charter amendment referred to the voters by the Keizer City Council. If approved, this measure would add Section 45 to the Keizer City Charter in Chapter X - Miscellaneous Provisions as follows:

Section 45. PARKS TAX. The City Council by Ordinance may establish and collect a specific tax (not ad valorem tax) per dwelling unit as that term is defined by the ordinance establishing the specific tax. The revenue raised by this specific tax will be used to maintain, operate, improve and acquire municipal parks.

A vote "yes" on this measure approves of the Keizer City Council establishing and collecting a specific tax. A specific tax is a tax imposed as a fixed sum on each article or item or property of a given class or kind, without regard to its value. A specific tax is not an ad valorem tax. The Keizer City Council sets the specific tax by adopting an ordinance at a city council meeting. This specific tax is imposed upon a dwelling unit as that term is defined in the ordinance establishing the specific tax. The ordinance also establishes the collection procedure for the specific tax. Pursuant to this Charter amendment, the revenue raised by this specific tax will be used by the City of Keizer to maintain, operate, improve and acquire municipal parks.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-8-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: PAUL M. LISTER
Address: 1055 LOCKHART DR N Sp 55
KEIZER, OR 97303
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Paul M. Lister

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.



5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192

Date: July 17, 2002

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: Robert & Myrtle Mullenix
Address: 5510 Windsor Isl. Rd. N. # 13
Keizer, OR 97303
Phone: (optional) 503 463-9428

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Robert Mullenix - Myrtle Mullenix

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.



August 19, 2002

AGENDA ITEM 8a

**RESOLUTION – CERTIFICATION OF STREET LIGHTING DISTRICT
ASSESSMENTS**

CITY COUNCIL MEETING: August 19, 2002

AGENDA ITEM NUMBER:

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**



**SUBJECT: RESOLUTION - CERTIFICATION OF STREET LIGHTING DISTRICT
ASSESSMENTS**

ISSUE:

Staff has computed the amount of money necessary to be raised by assessment to cover Street Lighting District costs as shown on the attached exhibit "A". These assessments need to be turned over to the County Assessor for collection by August 31, 2002.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution certifying the Street Lighting District Assessments, by tax account, to the Marion County Assessor for collection.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

4
5 BE IT RESOLVED by the City Council of the City of Keizer that Keizer has
6 determined and computed the amount of money necessary to be raised by
7 assessment to cover funds spent to operate and maintain certain street lighting
8 facilities within Keizer, including administrative costs in the amount of \$395,238.80;
9 and

10 BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto,
11 is a true and correct list of the properties within the various lighting assessment
12 district in Keizer giving the proper assessment and apportionment of costs and
13 expenses to be assessed against the respective properties for operation and
14 maintenance of street lighting facilities for the year; and

15 BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to
16 the County Assessor to be added to the appropriate tax accounts for the respective
17 properties indicated.

18 PASSED this _____ day of _____, 2002.

19 SIGNED this _____ day of _____, 2002.

20 Mayor _____

21
22
23
24
25 City Recorder _____

"EXHIBIT A"
CERTIFICATION OF
LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2001/02				
	DISTRICT NAME	# OF LOTS	TOTAL	
			PER DISTRICT	2002 PER LOT
008	MARDELL	207	7,004.50	33.84
012	WILARK PARK ST LTG	190	13,633.36	71.75
014	MAI LIN	290	10,696.00	36.88
015	APPLEBLOSSOM	88	3,212.20	36.50
017	RIVERCREST	326	12,538.86	38.46
018	IVY WAY	120	4,038.69	33.66
019	ARNOLD WAY	40	922.75	23.07
022	NORTHVIEW	86	4,247.47	49.39
023	MCNARY HGHTS	88	5,566.63	63.26
024	CEDAR PARK ST LGHT	19	1,225.42	64.50
025	MENLO	27	1,177.06	43.59
026	SHADY LANE	FF	2,811.19	VARIES
028	NORTHWOOD PARK #1	49	3,502.84	71.49
034	GREENWOOD	FF	1,522.41	VARIES
041	WILARK PARK #6	18	858.14	47.67
042	WILARK PARK ANN #7	16	843.23	52.70
043	NORTHWOOD PARK #2	43	2,691.67	62.60
044	MAI-LIN DISTRICT #2	22	794.42	36.11
045	MCLEOD PARK	36	1,716.34	47.68
046	LANCER PARK	36	1,957.56	54.38
047	HILLIGOSS	14	606.46	43.32
048	CARLHAVEN ADDITION	28	733.98	26.21
049	WINDSOR ESTATES	23	1,356.59	58.98
050	WHITAKER PARK	78	4,483.87	57.49
079	ANDREW PARK	15	890.08	59.34
080	GLYNBROOK	41	2,301.99	56.15
081	LAWNDALE SUB	34	2,205.99	64.88
082	NORTHWOOD PARK #4	98	7,601.44	77.57
083	PALMA CIEA #5	22	889.96	40.45
084	WILARK PARK ANN #5	18	1,099.52	61.08
086	HICKS JONES	FF	7,532.71	VARIES
087	CARLHAVEN ADD #2	29	846.58	29.19
094	WILL MANOR 4	23	1,260.39	54.80
095	WHEATLAND LN	7	448.62	64.09
096	NORTHTREE ESTATES	100	7,255.50	72.56
097	CHEMAWA PARK	18	1,516.70	84.26
108	MCLEOD PARK #2	28	1,656.72	59.17
120	CHEMAWA EST #1	30	1,912.85	63.76
122	SIX SUBDIVISION	23	696.72	30.29
126	MCLEOD ESTATES	74	4,171.55	56.37
128	CHEHALIS SUB	16	550.47	34.40
129	DENNIS LANE N	43	1,829.82	42.55
130	CRESTWOOD VILLAGE	12	572.13	47.68
131	CHEMAWA EST #2	34	2,204.87	64.85
132	CHARLOTTE	45	1,605.81	35.68
141	PALMA CIEA	447	17,495.32	39.14
142	RIVERVIEW N	29	1,053.06	36.31
143	MEADOWBROOK	9	430.14	47.79
144	JUNIPER	20	818.59	40.93
146	TERRACE GLEN	16	912.14	57.01
147	WEDGEWOOD ESTATE	32	1,072.22	33.51
148	JULIE ESTATES	20	1,597.10	79.86

"EXHIBIT A"
CERTIFICATION OF
LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2001/02			
DISTRICT NAME	# OF LOTS	TOTAL	
		PER DISTRICT	2002 PER LOT
150 KEPHART	40	1,933.01	48.33
159 JOHNISEE ADDN	13	423.12	32.55
161 WALENWOOD SUB	9	230.13	25.57
162 WARNER PARK	10	258.79	25.88
163 SPRINGTIME PK SUB	15	835.78	55.72
164 STONEHEDGE ESTATE	100	6,296.04	62.96
165 RIVERVIEW N #2	28	1,059.77	37.85
181 TIMBERVIEW SUB	142	7,091.74	49.94
182 VISTAVIEW ESTATE #2	60	2,404.39	40.07
183 NORTHBRIDGE PARK	32	1,090.00	34.06
184 JUNIPER #2 SUBDIV	21	1,189.11	56.62
185 KEIZER HEIGHTS	64	3,553.49	55.52
191 CLARK ST NE	29	741.43	25.57
192 FRIENDSHIP ADDITION	12	415.67	34.64
193 TEN AT MCNARY	15	969.11	64.61
194 BUCHOLZ ADDITION	21	602.93	28.71
195 PARKLAWN ADDITION	6	394.03	65.67
205 GLYNBROOK II N	43	2,864.16	66.61
206 FOUR WINDS ADDN N	123	5,101.32	41.47
207 FERNBROOK	39	1,464.67	37.56
208 EDEN ESTATES	42	2,661.04	63.36
209 COUNTRY CLUB EST	29	1,357.79	46.82
212 LAWNDAL E I SUB PH-2	39	2,247.90	57.64
213 STONEHEDGE EST II	89	4,524.70	50.84
215 GARY ST	37	1,051.48	28.42
216 ARNOLD ST #2	23	796.07	34.61
217 FOUR WINDS III	20	481.53	24.08
218 GREENWAY	19	737.52	38.82
219 NOON AVE	32	1,132.32	35.39
220 STONEHEDGE EST III	32	1,686.53	52.70
221 STONEHEDGE EST 4&5	32	1,913.58	59.80
227 WILLOW LAKE EST	44	2,499.95	56.82
228 THE MEADOWS PH-1	56	4,204.50	75.08
231 FOURWINDS II	16	566.16	35.39
232 WHITAKER HGTS	34	1,523.15	44.80
234 THE MEADOWS PH-3	35	2,627.81	75.08
235 THE MEADOWS PH-2	37	2,777.98	75.08
236 THE MEADOWS PH-4	39	2,928.14	75.08
237 ORCHARD CREST	54	2,510.81	46.50
238 STONEHEDGE EST #6	31	1,920.30	61.95
239 SPRINGMEADOW EST	1	3,998.35	3,998.35
241 WILLOW LAKE 2&3	96	5,059.52	52.70
246 CHERRYLAWN CT NE	8	450.98	56.37
247 ORCHARD CREST PH-3	35	1,893.45	54.10
248 MAX CT	10	662.26	66.23
249 THE MEADOWS PH-5	42	3,153.38	75.08
250 ORCHARD CREST PH-2	53	2,390.41	45.10
251 RIVERCREST PH-1&2	44	1,966.55	44.69
253 THE MEADOWS PH-6	31	2,327.50	75.08
254 THE MEADOWS PH-7	32	2,402.58	75.08
255 TIMBERVIEW PH-3	28	2,139.44	76.41
256 APPLETREE PH-1,2,3	46	3,721.60	80.90

"EXHIBIT A"
CERTIFICATION OF
LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2001/02			
DISTRICT NAME	# OF LOTS	TOTAL	
		PER DISTRICT	2002 PER LOT
257 BRIARWOOD	1	2,833.63	2,833.63
258 HIDDEN CRK EST PH-1	41	4,167.01	101.63
259 CATERWOOD ESTATES	51	3,034.78	59.51
260 PARKMEADOW APTS	1	1,214.15	1,214.15
261 NORTHRUP/NORTHSHIRE	12	661.95	55.16
262 COUNTRY GLEN EST	189	12,034.87	63.68
263 FIRONE	29	1,848.73	63.75
264 HIDDEN CRK EST PH-2	16	1,084.61	67.79
265 CLEARLAKE SUBDIV	49	3,502.59	71.48
266 SPRINGRIDGE EST	32	2,213.13	69.16
267 THE RIDGE	22	1,612.01	73.27
268 NORTHSIDE ESTATES	43	2,678.72	62.30
269 HOMESTEAD/CLEARVIEW	10	372.44	37.24
270 HONEYSUCKLE	25	1,385.52	55.42
272 LARSON PARK SUBDIV	12	572.13	47.68
273 BAILEY ESTATES	10	557.23	55.72
274 STICKLES ADDITION	9	308.35	34.26
275 CEDAR BLUFF SUBDIV	27	2,131.98	78.96
276 ABT KOUFAX LN	24	1,868.14	77.84
277 HIDDEN CREEK PH-3	33	969.92	29.39
278 HOLLY LN/ALDER DR NE	9	364.99	40.55
282 3RD AVE N	57	1,914.52	33.59
283 HIDDEN CREEK PH-4	15	1,318.47	87.90
284 JACOB ESTATES SUB	10	1,039.90	103.99
285 PRAIRIE EST	93	9,189.54	98.81
286 TECUMSEH ESTATES	21	1,363.19	64.91
287 TEPPER E SUB	28	1,920.16	68.58
288 WESTMORE	24	1,221.71	50.90
292 PINEHURST ESTATES	57	4,196.15	73.62
293 LEEWOOD MEADOWS	54	3,067.75	56.81
294 BROWER PLACE	31	2,353.35	75.91
295 HIGHLANDS ESTATES	59	4,067.23	68.94
296 JACOB ESTATES PH2	18	1,340.83	74.49
297 BAHNSEN WOODS EST	60	4,201.24	70.02
298 FOREST RIDGE EST	55	3,547.30	64.50
299 WHEATLAND TERRACE	15	847.32	56.49
300 WATERFORD	49	3,540.27	72.25
306 ROCKLEDGE ADDITION	16	843.23	52.70
307 WITTENBERG	1	3,044.64	3,044.64
308 JORDON RUN	10	670.45	67.05
309 PRAIRIE CLOVER*	4	1,052.08	263.02
310 VINEYARDS	90	10,159.37	112.88
311 HIGHLANDS NORTH	16	833.47	52.09
312 CHEMAWA GLEN	38	3,795.43	99.88
315 SPARROW ADDITION	8	996.17	124.52
316 VINEYARDS NO. PHASE 2	47	3,610.97	76.83
317 HIDDEN CREEK PHASE 5	10	1,077.34	107.73
318 BARNICK ESTATES	12	1,251.21	104.27
319 MCLEOD ACRES	10	649.48	64.95
321 BEIER ESTATES	18	1,869.69	103.87
322 WESTMORE EAST SUBDIV N.	18	432.05	24.00
323 SHADY ADDITION N.-RING ST. N.E.	18	730.07	40.56



August 19, 2002

AGENDA ITEM 8b

**RESOLUTION – AUTHORIZING THE CITY MANAGER TO ENTER
AGREEMENT FOR CODE ENFORCEMENT VEHICLE**

To: Mayor Christopher and City Council
Through: Chris Eppley, City Manager
From: Maria Meier, Planning Director
Date: August 15, 2002
Subject: Vehicle Lease Agreement

Issue

City Council adopted the FY 2002-2003 budget to include the purchase of a vehicle for the code enforcement program. The budget was approved with the intent to purchase the vehicle through a three year lease. The amount budgeted is \$6,000 for three years, for a total of \$18,000.

The Community Development Department requested bids for a 2002 Ford Ranger Pick-Up from eight auto dealerships. Four bids were submitted to the City. The best offer was submitted by Skyline Ford for a three consecutive annual lease of \$5,083.54 each (including interest).

Fiscal Impact

The funding to cover the lease is in Revenue Sharing. The budget was approved by the City Council on June 17, 2002. The lease is a three year lease for a total cost of \$15,250.62.

Recommendation

It is recommended the City Council adopt the attached resolution authorizing the City Manager to enter a lease agreement through Ford Motor Credit Company for the lease of the code enforcement vehicle.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002- _____

3 **AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT**
4 **THROUGH FORD MOTOR CREDIT COMPANY FOR LEASING OF A**
5 **CODE ENFORCEMENT VEHICLE**

6
7 **WHEREAS, the City of Keizer Code Enforcement Officer is in need of a new**
8 **vehicle;**

9 **WHEREAS, a request for bids was distributed and quotes received to lease a**
10 **vehicles for code enforcement purposes;**

11 **WHEREAS, funding for these lease agreements has been included in the**
12 **approved 2002-2003 fiscal year budget; NOW, THEREFORE**

13 **BE IT RESOLVED by the City Council of the City of Keizer that the City**
14 **Manager is hereby authorized to execute an agreement, which by this reference**
15 **made a part hereof and attached as exhibit "A", through Ford Motor Credit for the**
16 **leasing of a code enforcement vehicle.**

17
18 **PASSED this _____ day of _____, 2002.**

19 **SIGNED this _____ day of _____, 2002.**

20
21 _____
22 Mayor

23 _____
24 City Recorder
25



Ford Motor Credit Company

1 American Road
P.O. Box 1739
Dearborn, Michigan 48121-1739

August 12, 2002

Mr. Christopher C. Eppley, City Manager
City of Keizer, Planning Department
930 Chemawa Road N.E.
Keizer, OR 97303

Subject: Master Equipment Lease-Purchase Agreement - Lease No. 6476500

Dear Mr. Eppley:

Enclosed are the subject documents for the Equipment being acquired from Skyline Ford Sales, Inc.. Please review the following documentation for accuracy:

- **Amendment** - Please sign where indicated. If not appropriate, line through the form and return unsigned.
- **Schedule 6476501, Page 1** - Please sign where indicated.
- **Delivery and Acceptance Certificate(s)** - Please sign and indicate the date the Equipment was accepted by you or your authorized representative.
- **Temporary Insurance Form** - Please complete and sign where indicated.
- **8038-GC** - Please review and sign where indicated. On your behalf, we will forward the signed original form to the IRS.

Also enclosed is an invoice for the first payment check payable to Ford Motor Credit Company in the amount of \$5,083.54. Please return the check and **all signed original documents** by 08/19/2002, preferably to the express mail address below. If documents cannot be returned by this date, or if you have any questions, please call me at 1-800-241-4199, Ext. 171, and refer to Schedule 6476501.

Overnight/Express Delivery

**Ford Motor Credit Company
Commercial Lending - MD 7500
1 American Road, Suite 2277
Dearborn, MI 48126
ATTN: Carol Tom, Municipal Finance**

U.S. Regular Mail

**Ford Motor Credit Company
Commercial Lending - MD 7500
P. O. Box 1739, Suite 2277
Dearborn, MI 48121-1739
ATTN: Carol Tom, Municipal Finance**

After the documents are signed for Ford Motor Credit Company, a set of copies will be sent to you.

Sincerely,

Janet Doty
Municipal Finance

Enclosures

PLEASE NOTE: The interest rate may be subject to a rate increase or require a rate extension fee if the documents are not returned by 11/30/2002.

SCHEDULE 6476501 - MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease No. 6476500

AMENDMENT

That certain Master Equipment Lease-Purchase Agreement, by and between Ford Motor Credit Company ("Lessor") and City of Keizer ("Lessee"), dated as of 07/13/2000 (the "Lease") is hereby amended as follows:

Lessee has not issued, and reasonably anticipates that it and its subordinate entities will not issue, tax-exempt obligations (including this Lease) in the amount of more than \$10,000,000 during the current calendar year; hereby designates this Lease as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, ("Code"); and agrees that it and its subordinate entities will not designate more than \$10,000,000 of their obligations as "qualified tax-exempt obligations" during the current calendar year.

Except as amended hereby, the Lease shall otherwise remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the 12th day of August, 2002.

LESSEE: City of Keizer
Planning Department

LESSOR: Ford Motor Credit Company

By: _____
Christopher C. Eppley
Title: City Manger

By: _____
Frank Mastrella
Title: Operations Manager, Municipal Finance

SCHEDULE 6476501 - MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease No. 6476500

This Equipment Schedule dated as of 08/12/2002, is being executed by Ford Motor Credit Company ("Lessor"), and City of Keizer ("Lessee"), as a supplement to, and is hereby made a part of that certain Master Equipment Lease-Purchase Agreement dated as of 07/13/2000 ("Lease"), between Lessor and Lessee.

Lessor hereby leases to Lessee under and pursuant to the Lease, and Lessee hereby accepts and leases from Lessor under and pursuant to the Lease, subject to and upon the terms and conditions set forth in the Lease and upon the terms set forth below, and following items of Equipment:

QUANTITY	DESCRIPTION (MANUFACTURER, MODEL AND SERIAL NO.)	SUPPLIER
1	2002 Ford Ranger, 1FTYR14082PA71792	Skyline Ford Sales, Inc.
EQUIPMENT LOCATION: City of Keizer Planning Department 930 Chemawa Road N.E. Keizer, OR 97303		

Initial Term: 36 Months Commencement Date: 08/12/2002

Periodic Rent: 3 Consecutive Annual in Advance Payments of \$5,083.54 each (including interest), due under this Lease. The Periodic Rent Payment also includes any applicable sales/use tax due and payable on the Lease Payment Dates, set forth in Schedule 6476501, Page 2.

EXECUTED as of the date first herein set forth.

LESSEE: City of Keizer
Planning Department

LESSOR: Ford Motor Credit Company

By: _____
Title: Christopher C. Eppley
City Manger

By: _____
Title: Frank Mastrella
Operations Manager, Municipal Finance

Counterpart No. 1 of 1 manually executed and serially numbered counterparts. To the extent this Schedule constitutes chattel paper, no security interest herein may be perfected through the possession of any counterpart other than Counterpart No. 1.

LESSOR: FORD MOTOR CREDIT COMPANY
P. O. Box 1739
Dearborn, MI 48121-1739

DELIVERY AND ACCEPTANCE CERTIFICATE

The undersigned Lessee hereby acknowledges receipt of the Equipment described below ("Equipment") as fully installed and in good working condition; and Lessee hereby accepts the Equipment after full inspection thereof as satisfactory for all purposes of the Master Equipment Lease-Purchase Agreement ("Lease") executed by Lessee and Lessor.

MASTER LEASE DATE	MASTER LEASE NUMBER	SCHEDULE 6476501 DATE	DELIVERY NUMBER	PURCHASE DATE	PURCHASE ORDER NO.
07/13/2000	6476500	08/12/2002	1	_____	_____

EQUIPMENT INFORMATION

QUANTITY	DESCRIPTION (MANUFACTURER, MODEL AND SERIAL NO.)	SUPPLIER
1	2002 Ford Ranger, 1FTYR14082PA71792	Skyline Ford Sales, Inc.

LESSEE: City of Keizer
Planning Department,
930 Chemawa Road N.E.
Keizer, OR 97303

BY: _____

(Title)

DATE ACCEPTED: _____

INSURANCE FACT SHEET

We require a Certificate of Insurance or Declaration Page shown in the name of the Municipality listed below. If more than one insurance company is used, indicate each and for what type coverage. Per the Master Equipment Lease-Purchase Agreement, Lease No. 6476500, we require Liability and Physical Damage on all vehicles, Liability and Property Damage on all other Equipment and FORD MOTOR CREDIT COMPANY named as Loss Payee and Additional Insured. **RETURN TO: Ford Motor Credit Company, Municipal Finance, PO Box 1739 - MD 7500, Dearborn, MI 48121-1739.**

SCHEDULE NO: 6476501

**PLEASE NOTE: FORD MOTOR CREDIT COMPANY REQUIRES
A MINIMUM OF \$1,000,000 PUBLIC LIABILITY COVERAGE;
OR THE STATE MAXIMUM (IF LOWER) IS REQUIRED**

MUNI: City of Keizer
ADDRESS: Planning Department
930 Chemawa Road N.E.
CITY: Keizer, OR 97303

CONTACT: Debbie Engelhard, Accts. Payable X112

PHONE: (503) 390-3700

EQUIP DESC: (1) 2002 Ford Ranger, 1FTYR14082PA71792

INSURANCE COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ CONTACT PERSON: _____

POLICY NO: _____ EXPIRATION DATE: _____

LIABILITY AMT: _____ PROPERTY DAMAGE AMT: _____

PHYSICAL DAMAGE AMT: COMPREHENSIVE DEDUCTIBLE: _____
COLLISION DEDUCTIBLE: _____

INSURANCE COMPANY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ CONTACT PERSON: _____

POLICY NO: _____ EXPIRATION DATE: _____

LIABILITY AMT: _____ PROPERTY DAMAGE AMT: _____

PHYSICAL DAMAGE AMT: COMPREHENSIVE DEDUCTIBLE: _____
COLLISION DEDUCTIBLE: _____

SELF-INSURED:

IF YOU ARE SELF-INSURED FOR ANY COVERAGE, PLEASE PROVIDE THE NAME OF YOUR INSURANCE POOL/FUND.

NAME OF INSURANCE POOL/FUND: _____

SELF-INSURED FOR: LIABILITY: \$ _____ PROPERTY: \$ _____ PHYSICAL: \$ _____

CONTINUOUS COVERAGE: FROM: _____ TO: _____

PLEASE SIGN: _____

Christopher C. Eppley, City Manager

**Information Return for Small Tax-Exempt
Governmental Bond Issues, Leases, and Installment Sales**

► Under Internal Revenue Code section 149(e)

OMB No. 1545-0720

Caution: Use Form 8038-G if the issue price of the issue is \$100,000 or more.**Part I Reporting Authority**Check box if Amended Return ☐

1 Issuer's name City of Keizer	2 Issuer's employer identification number 93-0836902
3 Number and street (or P.O. box if mail is not delivered to street address) 930 Chemawa Road N.E.	Room/Suite
4 City, town, or post office; state, and ZIP code Keizer, OR 97303	5 Report number GC 2002-6476501
6 Name and title of officer or legal representative whom the IRS may call for more information Shannon Johnson	7 Telephone number of officer or legal representative 503.390.1635

Part II Description of Obligations (Check if reporting: a single issue ☐ or on a consolidated basis ☐.)

8a Issue price of obligation(s) (see instructions)	8a \$9,392.46
b Issue date (single issue) or calendar year (consolidated) (see instructions)	
9 Amount of the reported obligation(s) on line 8a:	9a
a Used to refund prior issue(s)	9b
b Representing a loan from the proceeds of another tax-exempt obligation (e.g., bond bank)	
10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(II) (small issuer exception), check this box ☐	
11 If any obligation is in the form of a lease or installment sale, check this box ☒	
12 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check this box ☐	

**PLEASE
SIGN
HERE**

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct and complete.

Issuer's authorized representative

Date

Christopher C. Eppley, City Manager

Type or print name and title

General InstructionsSection references are to the *Internal Revenue Code* unless otherwise noted.**Purpose of Form**

Form 8038-GC is used by issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

Issuers of tax-exempt governmental obligations with issue prices of less than \$100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of \$100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations.

Filing a separate return. Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than \$100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to pay a penalty in lieu of arbitrage rebate (see line 12 instructions).

Filing a consolidated return. For all tax-exempt governmental obligations with issue prices of less than \$100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitrage rebate.

When to File

To file a separate return, file Form 8038-GC on or before the 15th day of the second calendar month after the close of the calendar quarter in which the issue is issued.

To file a consolidated return, file Form 8038-GC on or before February 15th of the calendar year following the year in which the issue is issued.

Late filing. An issuer may be granted an extension of time to file Form 8038-GC under Section 3 of Rev. Proc. 88-10, 1988-1 CB 635, if it is determined that the failure to file on time is not due to willful neglect. Type or print at the top of the form, "This Statement is Submitted in Accordance with Rev. Proc. 88-10." Attach to the Form 8038-GC a letter briefly stating why Form 8038-GC was not submitted to the IRS on time. Also indicate whether the obligation in question is under examination by the IRS. Do not submit copies of any bond documents, leases, or installment sale documents.**Where to File**

File Form 8038-GC, and any attachments, with the Internal Revenue Service Center, Ogden, UT 84201.

Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the Federal government, use Form 8038-T, Arbitrage Rebate and Penalty in Lieu of Arbitrage Rebate. For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

Rounding to Whole Dollars

You may show the money items on this return as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

Definitions**Obligations.** This refers to a single tax-exempt governmental obligation if Form 8038-GC is used for separate reporting or to multiple tax-exempt governmental obligations if the form is used for consolidated reporting. **Tax-exempt obligation.** This is a bond, installment purchase agreement, or financial lease, on which the interest is excluded from income under section 103.**Tax-exempt governmental obligation.** A tax-exempt obligation that is not a private activity bond (see below) is a tax-exempt governmental obligation. This includes a bond issued by a qualified volunteer fire department under section 150(e).**Private activity bond.** This includes an obligation issued as part of an issue of which:

- More than 10% of the proceeds are to be used for any private business use, and

INVOICE

August 12, 2002

LESSEE:

City of Keizer
Planning Department
930 Chemawa Road N.E.
Keizer, OR 97303

REMIT PAYMENT TO:

FORD MOTOR CREDIT COMPANY
MUNICIPAL FINANCE
P. O. BOX 1739 - MD 7500
DEARBORN, MI 48121-1739**PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT**

ACCOUNT NUMBER	FIRST PAYMENT DUE DATE	DESCRIPTION	PAYMENT AMOUNT
6476501	08/12/2002	(1) 2002 Ford Ranger, 1FTYR14082PA71792	\$5,083.54
PLEASE REMIT:			\$5,083.54

If you have any questions regarding this invoice, please call Janet Doty (800-241-4199, Ext. 171).



DATE: August 19, 2002 **TIME:** 7:00 p.m. **AGENDA ITEM #** 6c

ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]



DATE: August 19, 2002 **TIME:** 7:00 p.m. **AGENDA ITEM #** 6b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

DATE: August 19, 2002 TIME: 7:00 p.m. AGENDA ITEM # 6a[illegible]