

Medford Code

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NOTE: This Chapter was enacted 4-5-84 by Ord. No. 5110, section 2, effective midnight, June 30, 1984. This is a revision of sections 8-001 through 8-900 which were repealed by Ord. No. 5110, section 1. This Chapter was reprinted in February 1991; October 1995; April 1998; May 2000; and August 2008.

8.001 Review of Business License Application.

(1) Any application for a license required by this chapter other than a home occupation license shall be referred to the planning department, building department, public works department-engineering division, police department, and fire marshal for endorsement. Within ten (10) days, the planning department, building department, public works department-engineering division, police department, and fire marshal shall endorse favorably the application if they find that the specified location, site, and existing structure (if one is to be used) can lawfully be used for the conduct of the proposed activity under the provisions of this Code, county, state or federal law. If the department cannot make such a finding, it shall return the application to the City Manager, or designee, with a negative endorsement, stating the reasons. The applicant shall be promptly notified by mail of any negative endorsements by the Finance Department and shall also be notified of the right to appeal the action and the procedure for appeal.

(2) Home occupation license applications shall be reviewed for compliance with the criteria listed in Section 8.001(2)(a) through (g) and endorsed by the Finance Department following the procedure provided in Section 8.001(1). Home occupation businesses must conform to the following criteria:

(a) Home occupation activities conducted at the authorized residential property shall be restricted to the interior of the dwelling unit or enclosed accessory structure.

(b) Outdoor storage, including but not limited to trailers, inventory, supplies, or equipment, visible from the public right of way or adjacent properties or common areas is prohibited.

(c) Inventory stored on the residential premises shall not include flammable liquids, fireworks, explosives or any “hazardous materials” as defined in the Uniform Fire Code adopted by the City.

(d) Home occupation activities conducted at the authorized residential property must be conducted only by persons lawfully residing in the dwelling at the authorized residential property.

(e) The home occupation site shall not be used as a location for employees to assemble.

(f) Total residential and business motor vehicle traffic to and from the premises (deliveries or customers) shall not exceed an average of ten (10) trips per day during any five-day period. In no case shall the total residential and business motor vehicle traffic to and from the premises exceed sixteen (16) trips per day. Each departure from and each arrival at the premises shall be counted as a separate trip.

(g) Repair, reconditioning, dismantling or storage of motorized vehicles, boats, recreational vehicles, or large equipment on the premises is prohibited.

[Amd. Ord. No. 7688, June 16, 1994; Amd. Sec. 1, Ord. No. 1998-233, Oct. 15, 1998; Amd. Ord. No. 2001-09, Jan. 18, 2001; Amd. Sec. 1, Ord. No. 2007-98, June 7, 2007; Amd. Sec. 1, Ord. No. 2008-174, Aug. 21, 2008; Amd. Sec. 1, Ord. No. 2013-128, Sept. 5, 2013.]

8.003 Denial or Revocation of License.

(1) If the applicant makes any material misrepresentation on the sworn application, the city manager (or designee) shall deny or revoke the business license upon discovery of the misrepresentation and bar the applicant from doing business in the city for one year from the date of discovery by the city of the misrepresentation.

(2) If the application or the investigation by the city discloses information which indicates that the business would be engaged in unlawful activity or that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the proposed activity or that the applicant lacks any license or permit required by the city or any other government agency, the application shall be denied by the city manager (or designee).

(3) If an existing licensed business is found to be engaged in unlawful activity or if it is determined that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the business activity, the business license shall be revoked by the city manager (or designee) and the applicant shall be barred from doing business on the formerly licensed premises for one year from the date of discovery by the city of the unlawful activity.

(4) If an existing licensed business is found to lack any license or permit required by the city or any other government agency, and the business fails to obtain the license or permit and present satisfactory proof of same within fifteen (15) business days after notice of such deficiency is mailed to the business, the license shall be revoked by the city manager (or designee).

(5) As used herein, "unlawful activity" includes but is not limited to violations of local, state or federal law.

(6) (a) Upon the determination that the conduct of a business licensee creates an imminent threat to life or property, the business license may be summarily suspended. If the activities of the business licensee cause any property to be or remain in the public way, the property of the business licensee may be removed from the public way by the City and the costs of such removal be assessed to the business licensee.

(b) The suspension takes effect immediately upon notice of suspension being received by the holder of the business license, or being delivered to the business address as stated on the business license being suspended. Such notice shall state the reason for the suspension.

(c) The City may continue the suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 8.004.

(d) A summary suspension under this Section may be appealed by the business licensee in the manner set forth in Section 8.004.

[Added, Sec. 2, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 2, Ord. No. 2008-174, Aug. 21, 2008; Amd. Sec. 2, Ord. No. 2013-128, Sept. 5, 2013, Amd. Sec. 1, Ord. No. 2014-103, Aug. 21, 2014.]

8.004 Appeal of Denial, Revocation, Classification or Exemption of License.

(1) An applicant denied a business license, or a holder of a business license that has received a notice of revocation or summary suspension shall have the right to appeal that action to the City Manager (or designee). A written appeal must be filed within seven (7) calendar days after the date of the notice of the action. The written appeal filed must state the basis for the appeal and be accompanied by the filing fee in an amount set by Council resolution. The fee shall be refunded if the denial or revocation decision is not affirmed or upheld.

(2) The revocation of a business license does not take effect until final determination of the appeal. Notwithstanding this paragraph, a summary suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

(3) Unless the appellant and City agree to a longer period of time, an appeal shall be heard within fourteen (14) calendar days of receipt of the written appeal. The City Manager (or designee) shall give the appellant and any other persons requesting the same, at least seven (7) days' notice of the time and place of such hearing.

(4) At the time and place set for the hearing upon the appeal of the denial or revocation, the City Manager (or designee) shall give the appellant and any other interested party a reasonable opportunity to be heard. The City Manager (or designee) shall hear and determine the appeal on the basis of the applicant's written appeal statement and any additional evidence the City Manager (or designee) deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. In all such cases, the burden of proof shall be upon the appellant.

(5) The City Manager (or designee) shall uphold, or modify and uphold, the denial or revocation, or reverse the denial or revocation and render a new decision in the matter consistent with the requirements of the application or license in question. The decision of the City Manager (or designee) shall be issued within ten (10) calendar days of the hearing and shall be in writing and contain findings of fact and a determination of the issues presented. An applicant wishing to appeal the decision of the City Manager (or designee) shall have the right to appeal to the City Council under the procedures set out in section 1.025 of this code.

[Added, Sec. 3, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 2, Ord. No. 2007-98, June 7, 2007; Amd. Sec. 1, Ord. No. 2008-62, April 3, 2008; Amd. Sec. 3, Ord. No. 2008-174, Aug. 21, 2008; Amd. Ord. No. 2011-74, May 5, 2011; Amd. Sec. 2, Ord. No. 2014-103, Aug. 21, 2014; Amd. Sec. 1, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

LICENSES FOR REVENUE

8.005 Purpose and Scope.

(1) A business license provides the city with an opportunity to determine whether the location, site, and existing structure (if one is to be used) can lawfully be used for the conduct of the proposed activity under the provisions of the Medford Code. The license grants the applicant the conditional privilege of doing business in the city, but it does not constitute a representation or a warranty by the city as to the legality of the business or its activities. The business license tax imposed by the terms of Sections 8.005 to 8.080 is a privilege tax imposed on a business at the time of issuance or renewal of a business license; the tax is for revenue purposes only and no part of the tax shall be considered to be a regulatory fee.

(2) A Residential Rental Registration provides the City with an opportunity to assess the location, quantity, existing structures and utilization of the housing stock within the city of Medford. The registration grants the applicant the conditional privilege of doing business in the city, but it does not constitute a representation or a warranty by the City as to the legality of the business or its activities. The residential rental registration tax imposed by the terms of Sections 8.005 to 8.080 is a privilege tax imposed on a business at the time of issuance or renewal of a business license; the tax is for revenue purposes only and no part of the tax shall be considered to be a regulatory fee.

(3) Neither the acceptance of the prescribed tax nor the issuance of the applicable license shall be construed to permit any activity otherwise prohibited by law or this code, or to waive any regulatory licensing requirement or fee imposed by any other sections of this code.
[Amd. Sec. 4, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 1, Ord. No. 2006-229, Oct. 19, 2006.]

8.010 Definitions.

The following terms as used in Section 8.005 to 8.070 shall mean:

(1) Business. Any activity, trade, profession, occupation, calling or regular pursuit carried on with the intent that profit be realized therefrom. Notwithstanding the foregoing, all state and federally recognized not-for-profit corporations who either have an office or provide services within the City of Medford shall apply and be subject to the business license review process described in this chapter.

(2) Doing or transacting business. Any act or series of acts performed in the course of pursuit of a business activity.

(3) Expense. The cost of goods sold, the expense of services rendered, and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.

(4) Profit. The excess of gross receipts over expense.

(5) Person. A natural person, corporation or other legal entity.

(6) Dwelling Unit. A structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. "Dwelling unit" regarding a person who rents a space for a manufactured dwelling or recreational vehicle or regarding a person who rents moorage space for a floating home as defined in ORS 830.700, but does not rent the home, means the space rented and not the manufactured dwelling, recreational vehicle or floating home itself.

(7) Secondary Licensee. A person, independent contractor or sub licensee who is not otherwise licensed under this chapter operating out of a commercial location. Shall include but not be limited to: beauticians, nail technicians, yoga instructors, masseuses, tattoo artists.

[Amd. Sec. 1, Ord. No. 5645, Apr. 17, 1986; Amd. Ord. No. 2005-168, Aug. 18, 2005; Amd. Sec. 2, Ord. No. 2006-229, Oct. 19, 2006; Amd. Sec. 3, Ord. No. 2007-98, June 7, 2007.]

8.015 Business License Required.

(1) No person, for himself or as agent or employee of another, shall do business within the city unless:

(a) Such business has been duly licensed as provided in Sections 8.005 to 8.070; and,

(b) The license is valid at the time of the transaction.

(2) In addition to the penalties provided by Section 8.900, this section may be enforced by means of a civil action in the Circuit Court for Jackson County wherein the city may seek an injunction and other appropriate relief.

(3) No business license shall be issued to any person to engage in a business that does not comply with local, state or federal law.

[Amd. Sec. 5, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 3, Ord. No. 2013-128, Sept. 5, 2013; Amd. Ord. No. 2014-30, March 20, 2014; Amd. Sec. 1, Ord. No. 2016-128, October 6, 2016.]

8.020 Issuance.

Upon receipt of the application favorably endorsed as prescribed in Section 8.001, together with the required tax and any past due tax and penalty, the City Manager shall issue a business license to any applicant desiring to transact or conduct any lawful business within the city, unless the application is denied pursuant to Section 8.003. Licenses so issued shall be valid for the 12-month period beginning on the first day of doing business in the city and ending on the first day of the anniversary month of the calendar year next following.

[Amd. Sec. 6, Ord. No. 1998-233, Oct. 15, 1998; Amd. Ord. No. 2005-169, Aug. 18, 2005; Amd. Sec. 3, Ord. No. 2006-229, Oct. 19, 2006.]

8.030 Applications.

(1) Business License: An application for business license shall be submitted on a form provided by the City Manager, shall be signed by the owner or his duly authorized agent and shall contain the following information:

- (a) Name of person or persons owning business;
- (b) Assumed business name, if any;
- (c) Address of business premises and business mailing address;
- (d) Nature of business, including the primary or predominant business activity;
- (e) Number of employees (full time and part time), if applicable;
- (f) Number of living or space-rental units, if applicable;
- (g) Whether any state and federal licenses and permits are required for the business and satisfactory proof that all such licenses and permits have been issued and are currently in effect; and
- (h) Where the business premises of an applicant are situated outside of the city, the number of employees to be engaged in the transaction of the business within the city. The license issued on the basis of the application shall be valid only to permit the specified number of employees to transact business within the city at any one time; and
- (i) Any other information pertinent to the application required by City Manager; and
- (j) A verification by signature of the person submitting the application that the facts stated thereon are true as he reasonably believes.
- (k) Whether there are any age-based restrictions on customer access to any portion of the premises or sales.

(2) Residential Rental Registration. The submission of the residential rental registration shall be on a form provided by the City Manager, shall be signed by the owner or his duly authorized agent and shall contain the following information:

- (a) Property address of the rental dwelling(s);
- (b) Number of bedrooms;
- (c) Year built;
- (d) Type of dwelling;
- (e) Contact information;
- (f) Owner information (including all owner names, percentage of ownership, phone, contact name, i.e., general partner or trustee, and mailing address);

(g) Type of ownership.

(3) License taxes shall be computed on the basis of information contained in the application and any other reliable information known to the Chief Financial Officer. No person shall knowingly sign or submit a business license application containing false information.

(4) The applicant shall notify the city within 30 days of any change of any information contained in the application. The application form shall contain a notice informing the applicant of this requirement. Failure to notify the city shall be treated as a misrepresentation.

(5) The Chief Financial Officer or any designee may examine during normal business hours the books, papers and other records of any person to determine the accuracy of such information.

[Amd. Sec. 1, Ord. No. 7346, Apr. 1, 1993; Amd. Sec. 7, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 4, Ord. No. 2006-229, Oct. 19, 2006.]

8.035 Contents of Licenses.

Licenses shall be issued to the applicant in the name of the business to be licensed and shall designate the nature of the business, the owner, the address, if any, of the business premises, the date of issuance and the date of expiration.

8.040 Two or More Business Premises; Two or More Businesses on Same Premises.

The conducting of a business or businesses at two or more locations shall, for the purposes hereof, be deemed to be separate businesses and each shall be subject to the business license tax. A person engaged in the rental or leasing of real estate is not required to have more than one license, unless he has more than one business office in the city. If two or more businesses are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily appropriated and based upon the total number of employees or other units on the whole premises shall be sufficient for all such activities; provided, any business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed.

8.045 [Repealed, Sec. 5, Ord. No. 2006-229, Oct. 19, 2006.]

8.050 [Repealed, Sec. 6, Ord. No. 2006-229, Oct. 19, 2006.]

8.055 Business License Term.

(1) The business license term shall be the 12-month period beginning on the first day of doing business in the city and ending on the first day of the anniversary month of the calendar year next following. The business license tax shall be computed and paid on the basis contained in Section 8.060. The fee thus computed shall be for 12 months of business operation. Tax shall be due on the first day of the anniversary month each year, whether or not an application has been filed or license issued.

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(2) The temporary business license term shall be the 60-day period beginning on the first day of doing business in the city and ending 60 days later. The temporary business license tax shall be computed and paid on the basis contained in Section 8.060.

(3) A person who has paid the tax for the year and goes out of business during that year shall be entitled to claim a prorata refund for the quarters beginning after the last day of business. A person who has not paid the tax and goes out of business shall pay only for those quarters when the person was in business without penalty.

[Amd. Sec. 1, Ord. No. 5798, Feb. 5, 1987; Amd. Sec. 3, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 7, Ord. No. 2006-229, Oct. 19, 2006.]

8.060 License Tax.

(1) Except as provided in Subsection (3), the license tax for any business taxed hereunder shall be as follows:

Basic Fee \$100.00

(2) The types of businesses listed below shall pay the basic fee, or may, at the option of the owner, be taxed in accordance with the following schedule:

Type	License Fee
Home Occupation Fee	\$60.00
Secondary Licensee Fee	\$60.00
Temporary 60-day License	\$40.00

Residential Rental Registration (in lieu of business license, effective January 1, 2007):

0-1 Units \$0.00

2+ Units Basic Fee \$40.00, Plus \$1.00 for each unit

(3) The tax imposed by this section shall be in addition to any regulatory or other permit fee or other tax imposed by the city. In addition to the basic fee imposed in subsection (1), mobile food vendors (e.g., food trucks) shall pay a utility infrastructure impact fee in the amount of \$100 per year.

[Amd. Sec. 2, Ord. No. 5645, Apr. 17, 1986; Amd. Ord. No. 5928, Aug. 6, 1987; Amd. Sec. 4, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 2, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 2, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 8, Ord. No. 2006-229, Oct. 19, 2006. Fee effective Nov. 1, 2006, except for the Residential Rental Registration, which shall be effective Jan. 1, 2007; Amd. Sec. 4, Ord. No. 2007-98, June 7, 2007 (effective July 1, 2007; Amd. Sec. 1, Ord. 2020-164, Dec. 17, 2020.)]

8.065 Evidence of Doing Business.

A public representation, by way of any medium of advertisement, that any business is being conducted in the city is prima facie evidence of the facts so represented without proof of responsibility for the publication.

8.070 Payment Due Dates.

In the case of a business first commencing, business license taxes shall be paid in full within thirty days after the first day of doing business in the city. For each succeeding calendar year the tax shall be paid in full not later than the first day of the anniversary month. If the Finance Department is

closed on the normal due date, then the next business day shall be the due date.

[Amd. Sec. 2, Ord. No. 5798, Feb. 5, 1987; Amd. Sec. 5, Ord. No. 2000-72, April 20, 2000.]

8.075 Past Due Taxes.

(1) Taxes not paid in full by the due date shall be deemed delinquent and subject to a flat rate penalty of \$25.00 or 10%, whichever is greater. Payment shall be deemed to have been made on the date it is delivered to the Finance Department or on the postmark date if mailed.

(2) A new, previously unlicensed, business shall be assessed for past due business license taxes for only one previous 12-month period before the year in which the business was first notified by the City that the tax was due, regardless of how long the business existed prior to such notification.

[Amd. Ord. No. 5633, Mar. 20, 1986; Amd. Sec. 6, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 9, Ord. No. 2006-229, Oct. 19, 2006.]

8.080 Exemptions from License Requirements.

The following persons are exempt from the tax imposed under Section 8.060:

(1) Any person who is exempt from taxation under Section 501(a) of the Internal Revenue Code of the United States and produces an IRS determination letter of proof thereof;

(2) Government agencies and instrumentalities.

(3) Persons whose only business transactions in the city consist of the following:

(a) Sales, exchanges or involuntary conversions of real property not held for sale in the ordinary course of trade or business, unless the real property is used in the trade or business in connection with the production of income;

(b) The sale of personal property acquired for household or other personal use by the seller;

(c) Interest and dividends earned from investments which are not part of a trade or business and gains or losses incurred from the sale of investments which are not a part of a trade or business;

(d) An hourly, daily, weekly, monthly or annual wage or salary or commissions paid by his employer.

(4) Public utilities covered by franchise ordinances and paying taxes or fees to the city under the terms of the franchise.

(5) Businesses located outside the city having no permanent or temporary place of business in the city. However, service businesses located outside the city that perform services within the city shall not be exempt.

(6) Interstate common carriers licensed by the applicable federal regulatory agency, but their local agents shall not be exempt.

(7) Businesses exclusively engaged in interstate commerce which have no activities in the city other than an office.

(8) Businesses in which the field of taxing has been specifically preempted by the State of Oregon or the federal government, including but not limited to:

(a) Insurance agents and insurers other than domestic insurers formed under the laws of the State of Oregon, and

(b) alcoholic liquor and beverage distributors.

(9) Beggars.

(10) Residential day care or child-caring facilities which are not required to have a Conditional Use Permit under Chapter 10 of this Code.

(11) Foster homes as defined in ORS 418.625(2) and adult foster homes as defined in ORS 443.705(1).

[Amd. Sec. 1, Ord. No. 5414, Apr. 4, 1985; Amd. Sec. 3, Ord. No. 5645, Apr. 17, 1986; Amd. Ord. No. 7261, Dec. 3, 1992; Amd. Sec. 2, Ord. No. 7346, Apr. 1, 1993, effective July 1, 1993; Amd. Sec. 10, Ord. No. 2006-229, Oct. 19, 2006; Amd. Sec. 5, Ord. No. 2007-98, June 7, 2007; Amd. Sec. 2, Ord. No. 2008-62, April 3, 2008; Amd. Ord. No. 2009-255, Dec. 3, 2009.]

REGULATORY LICENSES AND BUSINESS REGULATIONS

8.100 Licenses Required.

The regulatory licenses and license fees required under sections 8.100 to 8.820 shall be in addition to any business license and tax required under sections 8.005 to 8.080. The Chief Financial Officer may prescribe forms to be used in applying for regulatory licenses. Unless otherwise provided in sections 8.100 to 8.820, the term of all regulatory licenses shall be the same as that for the business license and the license fee shall be due at the time the first application for license is submitted and thereafter on the first day of the anniversary month of each succeeding calendar year.

[Amd. Sec. 7, Ord. No. 2000-72, April 20, 2000.]

PAWNBROKERS AND SECONDHAND DEALERS

8.105 Definitions.

As used in Sections 8.105 to 8.165, the following words shall mean:

(1) Pawnbroker: A person engaged in the business of loaning money for himself or for any other person upon personal property, personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their assigns at prices agreed upon at or before the time of such purchase.

(2) Pawnshop: Any room, store, or place in which a pawnbroker is engaged in, carries on, or conducts his business.

(3) Secondhand dealer: A person engaged in the business of buying from the general public any item of value, including but not limited to, goods, wares, or merchandise, whether new or used, for resale: jewelry, watches, precious stones, precious metals, firearms, bicycles, stereo equipment, hand tools, or musical instruments, power tools, antiques, furniture, CDs, DVDs, trading cards, or any other item of value. The term does not include dealers who only acquire such goods as trade-ins.

[Amd. Sec. 1, Ord. No. 2005-285, Dec. 15, 2005; Amd. Sec. 1, Ord. No. 2014-159, Dec. 18, 2014; Amd. Sec. 1, Ord. No. 2015-83, Aug. 20, 2015.]

8.110 Records Required.

Every person engaged in the business of a pawnbroker or dealer in secondhand goods shall provide

an electronic record utilizing the electronic reporting system in use by the city of all articles of any kind purchased or received, whether or not the property is new or used. The electronic record shall at all times during business hours be open to the inspection of the chief of police or any police officer.

[Amd. Sec. 1, Ord. No. 2004-104, June 3, 2004; Amd. Sec. 2, Ord. No. 2005-285, Dec. 15, 2005.]

8.115 Report Required.

(1) Except as provided in Subsection (2), every pawnbroker and secondhand dealer shall utilize the city's electronic pawn reporting system to make an electronic report and the report shall be a full, true, and complete report of all goods, wares, merchandise, or things received on deposit, pledged, or purchased, whether or not the property is new or used. The report shall show the hour of the day when the article was received on deposit, pledged, or purchased, and the number of the pawn ticket, amount loaned, amount purchased, a complete description of each article left on deposit, pledged or purchased and the name and address of the person from whom the article was acquired. No item shall be received unless the person from whom the article is acquired exhibits a driver's license or state-issued ID card and the identifying number is recorded on the report. Each pawn ticket issued shall be numbered consecutively, and if stubs are used in connection with the pawn ticket, each stub shall be numbered consecutively to conform to the ticket. If any article so left on deposit, pledged, or purchased has engraved thereon a number, word, or initial, or contains settings of any kind, the description of the article in the report shall contain the number, word, or initial and shall show the kind of settings and the number of each kind. The electronic pawn reporting system will provide for an upload of a complete electronic report described in this section. Each pawnbroker and secondhand dealer shall, within 24 hours, provide an electronic upload to the pawn reporting system of all transactions that occurred during that business day.

(2) No secondhand dealer shall be subject to the requirements of Sections 8.115(1) or 8.170 for the following types of property:

- (a) property purchased from manufacturers or wholesale dealers having an established place of business;
- (b) property purchased in the open market or secured from a person doing business and having an established place of business in the city, but such property shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to the chief of police or a member of the police department upon written order of the chief of police;
- (c) used clothing;
- (d) pre-owned children's merchandise, including but not limited to toys, strollers and baby carriers;
- (e) new clothing with a retail value of less than 20 dollars (\$20).

[Amd. Sec. 2, Ord. No. 2004-104, June 3, 2004; Amd. Sec. 3, Ord. No. 2005-285, Dec. 15, 2005; Amd. Sec. 2, Ord. No. 2014-159, Dec. 18, 2014; Amd. Sec. 2, Ord. No. 2015-83, Aug. 20, 2015.]

8.120 [Repealed, Sec. 3, Ord. No. 2004-104, June 3, 2004.]

8.125 [Repealed Sec. 4, Ord. No. 2004-104, June 3, 2004.]

8.130 Property Held Fifteen Days by Secondhand Dealer.

No personal property purchased by a dealer in secondhand goods at his place of business shall be sold from that place of business for the space of fifteen days after the purchase.

[Amd. Sec. 3, Ord. No. 2014-159, Dec. 18, 2014.]

8.135 [Repealed, Ord. No. 2010-171, Aug. 5, 2010.]

8.140 Time to Redeem.

It shall be the duty of every pawnbroker to allow a person accepting a loan for less than \$20.00 a period of 60 days in which to pay the same before the same becomes forfeitable, and all sums over \$20.00, a period of three months before the same becomes forfeitable.

8.145 Property Held Fifteen Days by Pawnbroker.

No property purchased by any pawnbroker shall be sold from the place of business of such pawnbroker for a space of fifteen days.

[Amd. Sec. 4, Ord. No. 2014-159, Dec. 18, 2014.]

8.150 Property Held on Order of Police Chief or His Designee.

Whenever the chief of police or his designee by written order notifies a secondhand dealer or pawnbroker not to sell any property so received on deposit or purchased, or permit the same to be redeemed, that property shall not be sold or permitted to be redeemed until such time as may be determined by the chief of police or his designee, not exceeding 15 days from the date of the notice. A copy of the notice shall be left with the secondhand dealer or pawnbroker.

[Amd. Sec. 5, Ord. No. 2014-159, Dec. 18, 2014.]

8.155 Tags Required.

A pawnbroker or secondhand dealer, receiving in pledge or otherwise an article, shall affix to the article a tag, upon which shall be written a number in legible characters, which number shall correspond to the number in the electronic pawn reporting system required to be kept as provided in Section 8.110.

[Amd. Sec. 5, Ord. No. 2004-104, June 3, 2004.]

8.160 License Required.

Every person who shall engage in the business of secondhand dealing or pawnbroker shall, before engaging in such business, obtain from the city a regulatory license. Pawnbrokers and secondhand dealers with less than 1000 transactions per annum shall pay a fee of \$56.00 per annum. Pawnbrokers and secondhand dealers with 1000 or more transactions per annum shall pay a fee of \$167.00 per annum.

[Amd. Sec. 8, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 3, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 6, Ord. No. 2004-104, June 3, 2004; Amd. Sec. 3, Ord. No. 2005-174, Aug. 18, 2005.]

Fee effective Oct. 1, 2005; Amd. Sec. 1, Ord. No. 2007-147, July 5, 2007.]

8.165 Signs.

No person or persons shall exhibit any sign usually known as pawnbrokers' signs, such as three balls, or any number of balls, without first having obtained from the city a license in accordance with the provisions of this chapter.

8.170 Digital Photographs of All Purchased Property.

Every person engaged in the business of a pawnbroker or dealer in secondhand goods shall provide a clear digital photograph of all purchased property. The digital photograph shall be uploaded into the city's electronic pawn reporting system. This requirement does not apply to pawnbrokers accepting a pledge loan. This section shall be effective March 22, 2015.

[Added, Sec. 6, Ord. No. 2014-159, Dec. 18, 2014; effective Mar. 22, 2015.]

SOCIAL GAMING

8.180 Social Gaming.

Social gaming as authorized by state law, is permitted subject to the following restrictions:

- (A) No person may participate in social gaming other than a player as defined by ORS 167.117(16).
- (B) No person may act as "house player" or "house bank."
- (C) All games shall be conducted without house odds.
- (D) No house income may be generated from the operation of the social game.
- (E) The person responsible for the premises where social gaming occurs shall not permit any individual who is visibly intoxicated to participate in social gaming.
- (F) No person under the age of 18 shall be permitted to participate in a social game or to enter or remain upon the premises where social games are being played.

[Added, Sec. 1, Ord. No. 2016-86, July 21, 2016.]

8.185 Goat Grazing for Vegetation Management

The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by allowing and regulating the use of goats for the purpose of grazing for targeted vegetation removal on parcels of land within the City of Medford.

- (A) Definitions. Words and phrases used in this ordinance shall have the following meanings ascribed to them:
 - (1) "Client" means any individual within the City who contracts with a contractor to hire/rent one or more goats for the purpose of vegetation management.
 - (2) "Contractor" means a person who owns one or more goats, and holds the goats out for rental or hire.
 - (3) "Goat handler" means any person employed by or under contract with a Contractor for the purpose of handling, transporting, and overseeing goats

used for targeted vegetation management.

- (4) “Grazing” means targeted vegetation management.
- (5) “Herd” means the animals available to rent for the purpose of targeted grazing.

(B) Business license required; regulatory license fees.

- (1) No Contractor shall conduct business in the City without obtaining a business license as described in Chapter 8.005 to 8.080 of this Code.
- (2) The City may issue a business license to a Contractor in accordance with the business licensing process outlined in Chapter 8.030 of this Code.
- (3) The City may include conditions, restrictions, or special provisions in the business license, including but not limited to conditions related to times of operation, fencing and containment, lighting, or other conditions, if, in the sole discretion of the City, the applicant’s materials or the nature of the property on which the goats are to manage, warrant conditions, restrictions, or special provisions.
- (4) A license issued under this chapter is valid for one year, and may be renewed as described in Chapter 8.055 of this Code.
- (5) The application fee for a business license under this section shall be \$100.00, as required for a “basic fee” per Chapter 8.060 of this Code.
- (6) The application fee shall be paid to the City at the time of submitting a license application or renewal.
- (7) No Contractor or Goat Handler shall conduct business in the City without a valid business license.

(C) Contractor/Goat Handler requirements.

- (1) Contractors and/or goat handlers who transport the goats within city limits must possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.
- (2) Every Contractor shall maintain accurate, current records for all employees and goat handlers employed by, contracting with, or otherwise affiliated with the company.
- (3) Contractors shall maintain accurate, current records for every animal in their possession that may be rented out for use under this subsection.
- (4) Contractors shall comply with all disease control requirements prescribed in Chapter 596 of the Oregon Revised Statutes.

(D) Operational Requirements.

- (1) Contractors shall maintain records of all jobs performed by their herd, including which members of the herd participated in each job. The data shall include, at minimum, the location of the job; the number of animals on the job; the duration of the job in hours and/or working days; the goat handler(s) in charge of managing the herd; and the rental rate per hour, per animal.
- (2) The duration of grazing is limited to no more than 21 consecutive days on any one property, one-half acre or less in area. On properties greater than one-half acre in area, the duration of grazing is limited to no more than 21 consecutive days in any one penned area of one-half acre or more in size. Goats may not return to a treated area for 30 days following a grazing treatment.
- (3) Contractor(s) and/or goat handler(s) shall ensure that the animal(s) are properly confined and only graze in areas designated by the property owner. The Contractor shall be liable for damage caused to property if the animals graze outside of the designated vegetation management area.
- (4) Contractors shall be responsible for keeping goats within limits of area of vegetation to be managed.

(E) Revocation, Suspension.

Violation of one or more of the requirements in this section constitutes a violation. Each day in which the violation(s) occurs constitutes a separate violation. In addition to the penalties provided in Section 8.900, violations of this section may be enforced by means of a civil action in the Circuit Court for Jackson County, wherein the City may seek an injunction and other appropriate relief.

[Added Ord. No. 2019-58, Jun. 20, 2019.]

GAME MACHINES AND ARCADES

8.205 [Repealed, Sec. 1, Ord. No. 2013-32, Feb. 21, 2013.]

8.210 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.215 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.220 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.225 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.230 [Repealed Sec. 1, Ord. No. 6089, May 19, 1988.]

8.232 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.235 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.240 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.245 [Repealed, Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.250 [Repealed, Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.255 [Repealed Sec. 2, Ord. No. 8456, Aug. 21, 1997.]

8.260 [Repealed, Sec. 2, Ord. No. 2013-32, Feb. 21, 2013.]

PUBLIC DANCES

8.305 Definition.

As used in Sections 8.305 to 8.315, the following term shall mean:

Public Dance. Any dance where the general public is admitted and where people are permitted to dance for a compensation paid directly or indirectly to the owner, proprietor, manager, or operators thereof.

8.310 Dances Subject to Inspection and Supervision.

Any public dance at all times shall be subject to police inspection and supervision.

8.315 Minors at Dances.

No person shall permit or suffer any minor person under 16 years of age to attend or take part in a dance or remain in a dance hall unless such minor person is in company of at least one of his parents or legal guardian. No minor person under 16 years of age shall make any misrepresentation or false statement as to the age of himself or the age of any other person for the purpose of obtaining the admission of the person as to whose age such statement or representation is made to any dance hall, or the permission for that person to remain therein in violation of this chapter. No person shall represent himself to be a parent or legal guardian of any other person in order that the other person may obtain admission to a public dance hall, or be permitted to remain therein in violation of this chapter.

VEHICLE FOR HIRE

8.320 Title, Intent, and Purpose of Sections 8.325 to 8.380.

This ordinance shall be known and may be cited as the “Vehicle for Hire Ordinance of the City of Medford.” The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by regulating vehicle for hire operators and their drivers within the City of Medford, as authorized by ORS 221.485 and 221.495. Nothing contained in this ordinance is intended or shall be construed to create any liability on the part of the City, its officers or employees for any injury or damage related to any provision of this

ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this ordinance on the part of the City, its officers, or employees. [Added Sec. 18, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.325 Definitions.

Words and phrases used in this ordinance shall have the following meanings ascribed to them:

- (1) “Digital dispatch system” means an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.
- (2) “Driver” means any individual person who operates a vehicle for hire within the City.
- (3) “Limousine” means a luxury motor vehicle for hire whose chassis and wheelbase have been lengthened beyond the original manufacturer’s specifications, whether at the time of production or after.
- (4) “Limousine Company” means any person operating one or more limousines for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the limousines so operated are owned by the company, leased, or owned by individual members of an entity.
- (5) “Operators” means a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally.
- (6) “Taxi” means a motor vehicle for hire, other than a limousine or transportation network vehicle.
- (7) “Taxi Company” means any person operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.
- (8) “Transportation Network” means one or more drivers working as independent contractors and utilizing a digital dispatch system, and using personal motor vehicles in the provision of transportation services.
- (9) “Transportation Network Company or TNC” means a person that operates or facilitates a transportation network.
- (10) “Transportation Network Vehicle or TNV” means a personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.
- (11) “Vehicle for Hire” means a motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network vehicles. The following vehicles shall not be considered vehicles for hire for the purposes of this ordinance, and are forbidden from operating as a taxi, limousine, or transportation network vehicle: (a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation; (b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business; (c) Non-motorized vehicles such as horse-drawn vehicles; (d) Property delivery vehicles used for delivering property exclusive of passenger transportation; (e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and (f) Volunteer-driven vehicles operated by a driver who is

reimbursed for basic mileage expenses and who does not receive wages, salary, or other compensation.

(12) “Vehicle for hire agency” means a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.

(13) “Vehicle for hire driver” means a person who carries on the vocation of driving a vehicle for hire.

[Added Sec. 19, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.330 Business License Required for Operators and Drivers; Regulatory License Fees.

(1) No Operators shall conduct business in the City without obtaining the applicable regulatory license set out in subsection (2).

(2) The City may issue a License to an Operators if the company certifies on a form acceptable to the City that it is in compliance with all requirements of this chapter, including but not limited to driver and insurance requirements, operating standards, and any other code requirements, and actually meets all applicable standards and requirements.

(3) The City may include conditions, restrictions, or special provisions in the License, including but not limited to conditions related to routes, times of operation, lighting, alternative requirements or means of meeting requirements, or other conditions, if, in the sole discretion of the City, the applicant’s vehicles or operations warrant conditions, restrictions, or special provisions.

(4) The License issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the Operators to continue providing vehicle for hire services within the City.

(5) The application fee shall be based on the number of drivers operating for the Operators at the time of the application, and shall be intended to account for the City’s costs in administering this code and for the City’s costs in operating and maintaining streets within the City. The fee shall be \$1,000 for Transportation Network Companies, \$100 for Taxi Companies, and \$60 for Drivers.

(6) The application fee shall be paid to the City at the time of submitting both initial and renewal License applications.

(7) No Operators or Driver shall conduct business in the City without a valid business license.

[Added Sec. 20, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.335 Driver requirements.

(1) Drivers shall be at least 21 years of age and shall possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.

(2) Every Operators shall maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing the company’s digital network to operate in the City. The records shall include the driver’s name, date of birth, address, social security number, criminal background check results, driver’s license information, motor vehicle registration, and automobile insurance. Operators shall provide a person in compliance with

this section written notice of compliance, who shall then submit the notice to the City as part of the business license application required by section 8.330(3).

(3) Prior to permitting a person to operate as a Driver, and annually thereafter, the Operators shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry, or any person that has a record of a felony conviction within the previous seven years may not act as a driver. A record of a conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term “conviction” includes convictions, bail forfeitures, and other final adverse findings.

(4) An Operators must revoke a driver’s authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The Operators shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

[Added Sec. 21, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.340 Insurance Requirements.

(1) For all required insurance, Operators shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days’ notice to the City before a policy is canceled, expires, or has any reduction in coverage.

(2) Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

(3) The insurance limits for Operators are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit’s term, or other statutory changes.

(4) The adequacy of insurance coverage is subject to the review and approval of the City.

(5) Every Operators shall maintain continuous, uninterrupted coverage for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this chapter.

(6) Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(7) Taxi Companies operating any motor vehicles shall secure and maintain commercial automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(8) TNC Service Periods Defined:

(a) Period 1: The TNC Driver has logged into the App or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the App is open and the driver is waiting for a match.

(b) Period 2: A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).

(c) Period 3: The passenger is in the vehicle.

(9) Upon City request or as part of an application, TNCs shall provide proof of current valid insurance for City approval covering all affiliated TNC Drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2, and 3.

(10) All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

(a) Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.

(b) Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.

(c) The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

(11) TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.

[Added Sec. 22, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.345 Operational Requirements.

(1) TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a License.

(2) All vehicles operating for a TNC or Taxi Company shall be clearly marked with the company name or logo. Vehicles operating for a Taxi Company shall include the company name or logo, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall be clearly marked as operating for the TNC, although any vehicle marking requirements imposed by a TNC may apply. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.

(3) TNC drivers may not accept street hails, and may only accept rides arranged through a TNC's digital network.

(4) Operators shall implement and maintain at all times a zero tolerance policy on the use of drugs or

alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.

(5) Operators must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.

[Added Sec. 23, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.350 Audit.

The City may audit Operators up to twice per calendar year to review compliance with this ordinance. Upon request, an Operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the Operators that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an Operators to produce records related to an investigation of a specific allegation of a violation of this ordinance or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.

[Added Sec. 24, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.355 Revocation, Suspension.

In addition to the remedies provided for in section 8.900 and ORS 30.315, the City may suspend, revoke, or refuse to issue a license if an Operator or Driver has violated or not met any of the provisions of sections 8.330 through 8.380. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in sections 8.330 through 8.380, including the procedures and requirements for obtaining and maintaining a business license, the making of any material misrepresentation, or if an Operator or Driver is otherwise engaged in unlawful activity.

[Added Sec. 25, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.360 License Effective Date.

Any Vehicle for Hire Agency License that is current as of the effective date of this ordinance, shall remain valid, until June 30, 2018, unless the License holder wishes to apply for a new license under this chapter.

[Added Sec. 26, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.365 Charges for Vehicle for Hire Services.

(1) Calculation and Display of Charges. All charges for vehicle for hire services shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the

amount to be charged is illuminated and readily discernible to passengers.

(2) Charges to be Registered Only When Vehicle for Hire is Engaged. No taximeter or digital dispatch system shall be operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

(3) Taximeter or Digital Dispatch System to be in Continuous Operation. No passenger shall be carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

(4) Specialized charges. A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

[Added Sec. 27, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.370 Use of Direct Route Required.

A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

[Added Sec. 28, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.375 Smoking Prohibited.

(1) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.

(2) Notwithstanding subsection (1) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.

(3) A violation of this section constitutes a violation.

[Added Sec. 29, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.380 Taximeter Inspection.

Every taximeter shall be inspected and tested for accuracy by the vehicle for hire agency at least once every six months.

[Added Sec. 30, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.400 [Repealed Sec. 2, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.405 [Repealed Sec. 3, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.410 [Repealed Sec. 4, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.415 [Repealed, Sec. 4, Ord. No. 2008-172, Aug. 21, 2008.]

8.420 [Repealed, Sec. 5, Ord. No. 2008-172, Aug. 21, 2008.]

8.425 [Repealed, Sec. 5, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.430 [Repealed, Sec. 6, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.435 [Repealed, Sec. 8, Ord. No. 2008-172, Aug. 21, 2008.]

8.440 [Repealed, Sec. 7, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.445 [Repealed, Sec. 10, Ord. No. 2008-172, Aug. 21, 2008.]

8.450 [Repealed, Sec. 8, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017]

8.451 [Repealed, Sec. 10, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.452 [Repealed, Sec. 10, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.455 [Repealed, Sec. 11, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.460 [Repealed, Sec. 12, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.465 [Repealed, Sec. 16, Ord. No. 2008-172, Aug. 21, 2008.]

8.470 [Repealed, Sec. 13, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.475 [Repealed, Sec. 14, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.480 [Repealed, Sec. 19, Ord. No. 2008-172, Aug. 21, 2008.]

8.485 [Repealed, Sec. 15, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017]

8.490 [Repealed, Sec. 21, Ord. No. 2008-172, Aug. 21, 2008.]

8.495 [Repealed, Sec. 16, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.496 Horse Drawn Vehicle License.

No person shall operate a horse drawn vehicle on a public right-of-way without first obtaining a license as provided herein.

[Added, Sec. 2, Ord. No. 1998-52, March 19, 1998.]

8.497 Horse Drawn Vehicle Regulations.

(1) The operators of a horse drawn vehicle shall apply for a license and pay a \$108.00 annual regulatory license fee as provided in Section 8.100.

(2) No person shall operate a horse drawn vehicle unless the person is twenty-one years of age or older and has not been convicted of any crime set forth in Section 8.335.

(3) The operators of a horse drawn vehicle shall maintain the vehicle in a clean, proper and safe state of repair. Any animals used in the operation shall be gentle and manageable; and the operators shall

take every reasonable precaution to ensure the safety of the passengers and the public.

(4) Horse drawn vehicles and/or the horses which draw them shall be equipped with devices designed to catch and hold horse manure so that it does not fall on the ground. If any manure is spilled, the operators shall clean it up immediately.

(5) No person shall operate a horse drawn vehicle unless the operator is covered by liability insurance providing coverage of \$100,000.00 for property damage or destruction; \$300,000.00 coverage for bodily injury or death of any person, \$500,000.00 coverage for each occurrence; or in lieu of such coverage, a single limit liability insurance policy of not less than \$500,000.00 covering all claims per occurrence. A certificate of insurance naming the City of Medford as an additional insured shall be filed with the Chief Financial Officer at the time of application for the regulatory license as provided in Section 8.100. The operators shall require the insurer to provide a written notice of cancellation to the Chief Financial Officer if any insurance policy is canceled.

(6) The operators of a horse drawn vehicle shall comply with all ordinances, statutes and regulatory provisions of the City of Medford, State of Oregon, and other regulatory agencies.

[Added Sec. 2, Ord. No. 1998-52, March 19, 1998; Amd. Sec. 12, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 12, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 17, Ord. No. 2017-96, Oct. 19, 2017, effective Dec. 1, 2017.]

8.498 Operation Prohibited on Designated Streets.

(1) No operators of a horse drawn vehicle shall operate the vehicle on the following streets, except for the purpose of crossing those streets, at intersections marked by a traffic control device:

Riverside; Central; McAndrews between Crater Lake Avenue and Sage Road; Stewart; Barnett; Biddle Road; Crater Lake Highway; Court; and I-5.

(2) The operators of a horse drawn vehicle shall operate the vehicle in a manner that does not unreasonably obstruct motor vehicle traffic.

[Added, Sec. 2, Ord. No. 1998-52, March 19, 1998.]

8.499 Cancellation of License. If the City Council finds that a licensed horse drawn vehicle operators has failed to comply with the provisions of 8.496 to 8.498 or has caused or permitted any violation by the operator's employee(s), the Council may direct the operators to appear before it at a regular or special meeting and show cause why the operator's license should not be suspended or revoked. After the hearing, if the council finds any violation to have occurred, the Council may suspend or revoke the license on such terms and conditions as the Council may deem proper.

[Added, Sec. 2, Ord. No. 1998-52, March 19, 1998.]

ARMORED CAR SERVICE, LOCKSMITH, SAFE AND LOCK COMPANIES, SECURITY ALARM COMPANIES

8.500 Definitions.

For the purposes of Sections 8.500 to 8.585, the following terms, phrases, words, and their derivations shall have the following meaning:

(1) "Shall" is always mandatory and not merely directory.

(2) "Armored car service" means any firm, person, partnership, or corporation engaged in the business of transporting cash or other valuables by means of armored cars; provided, however, that term shall not include any armored car service while engaged in interstate commerce.

(3) "Key" means a mechanical, electromechanical, electronic, electromagnetic or other device for operating a lock.

(4) "Lock" means a mechanical, electromechanical, electronic, electromagnetic or other device that is designed to control access from one area to another or control the use of a device in a structure or vehicle.

(5) "Locksmith" means a person who services, installs, repairs, rebuilds, rekeys, repins or adjusts locks, hardware peripheral to locks, safes, vaults, safe deposit boxes or mechanical or electronic security systems.

(6) "Safe and lock companies" means any firm, person, partnership, or corporation engaged in the sale, service, repair, or maintenance of safes and locks.

(7) "Security alarm companies" means any firm, person, partnership, or corporation engaged in the business of selling, trading, servicing, repairing, or maintaining security alarms or security alarm systems.

(8) "License" means an operator's license issued pursuant to Sections 8.500 to 8.585.

[Added, Sec. 4, Ord. No. 2010-111, June 3, 2010; Amd. Sec. 1, Ord. No. 2010-196, Sept. 2, 2010.]

8.505 Fees Required for Armored Car Service, Locksmith, Safe and Lock Companies, Security Alarm Companies..

In addition to fees outlined in Section 8.060, any armored car service, locksmith, safe and lock company, or security alarm company shall have the following non-refundable annual fees:

Operators's Fee - \$50.00

Employee ID Card - \$30.00 (Employee ID card fee will be waived if employee has proof of a current, valid license from the State of Oregon Construction Contractors Board).

[Amd. Sec. 1, Ord. No. 2000-78, May 4, 2000; Replaced, Sec. 5, Ord. No. 2010-111, June 3, 2010; Amd. Sec. 2, Ord. No. 2010-196, Sept. 2, 2010.]

8.510 Operator's License Required.

(1) No person shall engage in an armored car service, locksmith, safe and lock company, or security alarm company business in the city without a current, valid business license.

(2) No person shall operate an armored car service, locksmith, safe and lock company, or security alarm company business without a current, valid Employee ID Card as set forth in Section 8.525.

[Amd. Sec. 1, Ord. No. 2000-63, April 20, 2000; Amd. Sec. 6, Ord. No. 2010-111, June 3, 2010; Amd. Sec. 3, Ord. No. 2010-196, Sept. 2, 2010.]

8.515 Application for Operator's License; Fingerprints and Photograph; Application Fee.

(1) Applications for operator's licenses issued hereunder shall be made upon blank forms prepared and made available by the Police Department and shall state:

(a) The full name, age, residence, present and previous occupations of the applicant;

- (b) Whether the person signing the application is a citizen of the United States;
 - (c) A specific description of the location of the principal place of business of the applicant;
 - (d) The number of years of experience the applicant has had in the field for which the application is made;
 - (e) The length of time applicant has been a bona fide resident of the State of Oregon immediately preceding the filing of the application;
 - (f) References from five reputable citizens of the county;
 - (g) Such other information as the Police Department shall find reasonably necessary to effectuate the general purpose of Sections 8.500 to 8.585 and to make a fair determination of whether the terms of Sections 8.500 to 8.585 have been complied with.
- (2) The application required hereunder shall be accompanied by a full set of fingerprints and a recent photograph.

[Amd. Sec. 9, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 13, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 13, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 10, Ord. No. 2007-147, July 5, 2007; Amd. Sec. 7, Ord. No. 2010-111, June 3, 2010.]

8.520 Investigation by the Police Department.

Within 15 days after receipt of an application as provided for herein, the Police Department shall cause an investigation to be made of the applicant and the proposed operation and report the results thereof to the Chief Financial Officer.

[Amd. Sec. 8, Ord. No. 2010-111, June 3, 2010.]

8.525 Standards for Issuance of License.

(1) An employee ID card shall be issued by the Police Department upon receipt of written application and a fee as set forth in Section 8.505, if and only if the Police Department finds:

- (a) That the applicant has not been convicted of any of the following crimes or any similar crimes in any degree at any time:
 - (i) Any felony crime committed against another person.
 - (ii) Any person who is a registered sex offender.
 - (iii) Any felony crime involving use of a weapon.
 - (iv) Any felony property crime within ten (10) years of the date of this application.
 - (v) Any drug offense within five (5) years of the date of this application.
 - (vi) Any misdemeanor person crime within five (5) years of the date of this application.
 - (vii) Any misdemeanor property crime within five (5) years of the date of this application.
 - (viii) Any misdemeanor crimes against public order within two (2) years of the date of this application.
- (b) That the applicant is a natural born or a fully naturalized citizen of the United States.
- (c) That the applicant did not knowingly make any false statement in the application for the license.

(2) The Chief Financial Officer shall revoke the license issued under this section whenever the

person to whom the license was issued fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose license is denied or revoked may reapply after one year if he meets the qualifications set forth in this section for a new applicant.

[Amd. Sec. 3, Ord. No. 6762, Nov. 1, 1990; Amd. Sec. 9, Ord. No. 2010-111, June 3, 2010.]

8.530 Standards Applicable to Employees.

All employees of any person having or applying for a license hereunder shall meet the standards set forth in Section 8.515 above and shall be subject to all regulations of Sections 8.500 to 8.585. In the case of a safe and lock company, the requirements of this section shall apply only to those employees who actually engage in the repair, maintenance, adjustment, setting, or installation of safe locks, safes, and vaults.

[Amd. Sec. 10, Ord. No. 2010-111, June 3, 2010; Amd. Sec. 4, Ord. No. 2010-196, Sept. 2, 2010.]

8.535 Appeal.

Any person aggrieved by a ruling of the Police Department relating to Section 8.525 shall have the right to appeal to the Chief Financial Officer under the procedures set out in Section 8.004 of this code.

[Amd. Sec. 11, Ord. No. 2010-111, June 3, 2010.]

8.540 [Repealed Sec. 2, Ord. No. 2000-63, April 20, 2000.]

8.545 Term of Employee ID Card and Operator's Licenses; Fees.

(1) An operator's license and employee ID card shall be valid for the same term as the business license.

(2) Operator's licenses may be renewed annually upon payment of the annual fees as set forth in Section 8.505 unless suspended or revoked for cause. Operator's licenses are not transferable, and a contract purchaser or other purchaser, lessee or assignee of a licensed business shall not do business without first applying for an operator's license and other licenses under the terms of Section 8.515.

[Amd. Sec. 10, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 14, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 14, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 11, Ord. No. 2007-147, July 5, 2007; Amd. Sec. 12, Ord. No. 2010-111, June 3, 2010.]

8.550 [Repealed, Sec. 13, Ord. No. 2010-111, June 3, 2010.]

8.565 Information and False Reports.

No armored car service, locksmith, safe and lock company, or security alarm company holding a license granted under the provisions of Sections 8.500 to 8.585 shall divulge to anyone other than his employer, except as may be required by law, any information obtained by him in such employer's service. No armored car service, locksmith, safe and lock company or security alarm company holding a license granted under the provisions of Sections 8.500 to 8.585 shall make a false report or account to his employer.

[Amd. Sec. 2, Ord. No. 2000-78, May 4, 2000; Amd. Sec. 14, Ord. No. 2010-111, June 3, 2010;]

Amd. Sec. 5, Ord. No. 2010-196, Sept. 2, 2010.]

8.570 Notice of Employee's Status Change.

Within three days of the termination of employment of any employee or other person of any licensee, notice of such termination shall be given by the licensee in writing to the Police Department. Failure to comply with this section shall result in revocation of the license of an armored car service, locksmith, safe and lock company, or security alarm company.

[Amd. Sec. 3, Ord. No. 2000-78, May 4, 2000; Amd. Sec. 15, Ord. No. 2010-111, June 3, 2010; Amd. Sec. 6, Ord. No. 2010-196, Sept. 2, 2010.]

8.575 Subsequent Revocation.

If at any time new facts arise or become known to the Chief Financial Officer which would be sufficient to warrant refusal or withholding of a license under the terms of Sections 8.500 to 8.585, the Chief Financial Officer shall notify the licensee of the facts and further inform the licensee that unless the same are satisfactorily explained and Sections 8.500 to 8.585 complied with, the license shall be revoked.

[Amd. Sec. 16, Ord. No. 2010-111, June 3, 2010.]

8.580 Uniforms.

No licensee regulated by Sections 8.500 to 8.585 and not a member of the police or fire department shall wear a uniform, cap, badge, or buttons at the time in use by the members of the police or fire departments. A person desiring to provide any service regulated by this chapter shall use no distinctive uniform, cap, badge or buttons to be worn by any such person or employee thereof until the form, design, and color thereof shall have been first submitted to and approved by the Police Department.

[Amd. Sec. 17, Ord. No. 2010-111, June 3, 2010.]

8.585 Carry and Post License Certificates.

The licensees hereunder shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on his place of business described in such license. The licensee and his employees shall carry on his person at all times when performing services as a licensee under this chapter an identification card issued by the Police Department. The licensee hereunder shall furnish to the Police Department a current list of all employees employed by him at all times.

[Amd. Sec. 18, Ord. No. 2010-111, June 3, 2010.]

ALARM SYSTEMS

8.605 Definitions.

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

(1) "Agent" means a person, other than a burglar alarm salesman as defined in section 8.505, who is designated by the principal to be responsible for premises protected by an alarm system during the principal's absence or unavailability. The term "agent" does not include any person who receives

any salary, fee, bonus or other valuable consideration for performing the duties of an agent unless such person is a bona fide employee of the principal having substantial duties paramount and not directly related to his capacity as agent.

(2) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, designed to give warning of activities indicative of felony and criminal conduct.

(3) "Annunciator" means that part of an alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.

(4) "Audible annunciator" means an annunciator which gives alarm by means of a bell, siren, buzzer or similar sound producing device mounted at some location other than wholly within a building; or which, when activated, is clearly audible at a distance of fifty feet or more outside of any building in which it is mounted.

(5) "Automatic dialer" means a device which is programmed to select a telephone number and deliver a warning message or signal over standard telephone lines using telephone voice communication equipment.

(6) "Chief" means the chief of police of the City of Medford, or a police officer under his jurisdiction designated by him to exercise any power or duty conferred under this chapter.

(7) "Department" means the City of Medford Police Department.

(8) "City of Medford telephone line" means a telephone line which rings or terminates on the premises of the City of Medford.

(9) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

(a) Criminal activity or unauthorized entry,

(b) Natural or unnatural disaster, electrical service interruption, or telephone line malfunction not caused by the principal or an agent of the principal. If the alarm, when communicated to the department before an officer is dispatched to investigate is clearly identified to the department as resulting from authorized entry, authorized system test, or other non-criminal cause, it shall not be considered as a false alarm. If police units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police department "Daily Bulletin" shall be prima facie evidence of the facts stated therein with regard to alarms and responses.

(10) "On-premise annunciator" means an annunciator which is designed to give warning only to a person or persons on the protected premises, and which is neither an "audible" or "remote" annunciator as those terms are defined in this section.

(11) "Principal" means the person, firm or corporation whose premises are protected by an alarm system. In the event that a building having more than one tenant is protected by a single alarm system, the term "principal" means the building owner.

(12) "Protected premises" means all of that contiguous area, including buildings, protected by a single alarm system and under common ownership and use.

- (13) "Remote annunciator" means an annunciator located at a terminal on the premises of a burglar alarm company, or other location not a part of the protected premises.
- (14) "Sensor" means that part of an alarm system which is designed to detect the happenings of some event or existence of some condition indicative of criminal activity or unauthorized entry.
- (15) "Visual annunciator" means an annunciator installed entirely on the protected premises and which gives inaudible warning by means of a flashing light or other visible signal.
- (16) "This ordinance" shall mean sections 8.605 through 8.695 of this code.
- (17) "Fiscal year" means July 1 through June 30.
[Amd. Sec. 1, Ord. No. 7961, Sept. 21, 1995.]

8.610 Classification of Alarm Systems.

- Alarm systems shall be classified as follows: (1) A Class I alarm system is one which incorporates a remote annunciator installed on the premises of the department or the Communications Center.
- (2) A Class II alarm system is one which incorporates an automatic dialer programmed to select a City of Medford telephone line.
- (3) A Class III alarm system is one which incorporates a remote annunciator installed at a place other than on the premises of the city, and which does not incorporate an automatic dialer.
- (4) A Class IV alarm system is one which incorporates an automatic dialer not programmed to select a City of Medford telephone line.
- (5) A Class V alarm system is one in which the only annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer.
- (6) Exempt alarm systems are: (a) Those which incorporate only an on-premise annunciator, a visual annunciator, or any combination thereof; (b) alarm systems owned, maintained and monitored by any government law enforcement agency to protect their premises; and (c) alarm systems protecting property of the City of Medford.

8.615 Class I Alarm Systems.

- (1) Class I alarm systems are prohibited.

8.620 Class II Alarm Systems.

- (1) Class II alarm systems are prohibited.

8.625 Class III Alarm Systems.

- (1) Any agent receiving an indication of an alarm activation shall attempt to verify the alarm prior to reporting it to the police by either (1) telephoning the premises where the alarm activation is located, (2) monitoring the location by audio devices or (3) monitoring the location by video devices.
- (a) Exceptions to this section are holdup and panic alarms.
- (b) Failure to attempt to verify an alarm prior to notifying the police is a violation punishable by a fine of up to \$250.00.
- (2) Any agent receiving an indication of an alarm activation shall notify a responsible person having access to the protected premises.
- (3) Any person reporting to the police on any alarm from a Class III alarm system shall give the

following information:

- (a) The alarm system permit number, and principal or business name;
 - (b) The type of premises (warehouse, residence, etc.) and the name, if any, by which the premises are known;
 - (c) The address of the protected premises, which shall be repeated a second time at the end of the message;
 - (d) The name and telephone number of some responsible person having access to the protected premises; and
 - (e) The type of criminal activity indicated, e.g., burglary in progress, robbery, etc.
- (4) If the Class III alarm system incorporates an audible annunciator, it shall be subject to the requirements specified in section 8.635.
[Amd. Sec. 2, Ord. No. 7961, Sept. 21, 1995; Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000.]

8.630 Class IV Alarm Systems.

- (1) Any person reporting to the police on any alarm from a Class IV alarm system shall first verify the alarm as specified in 8.625 (1), and give the information specified in section 8.625(2).
- (2) No Class IV alarm system shall be programmed to select any telephone line the user of which has not previously given consent to such programming.
- (3) If the Class IV alarm system incorporates an audible annunciator, it shall be subject to the requirements specified in section 8.635.
[Amd. Sec. 3, Ord. No. 7961, Sept. 21, 1995.]

8.635 Class V Alarm Systems.

- (1) Each Class V alarm system shall be so programmed that each audible annunciator will automatically silence within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.
- (2) No test of a Class V alarm system shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.
- (3) The application for a Class V alarm system permit shall list the name and phone number of at least one responsible person (other than the principal or a member of his household) having access to the premises who may be notified and assist the police in the event the alarm is activated. The principal shall immediately notify the director of communications of any changes in this information.
- (4) The director of communications may, by written notice, require the posting of the information required by subsection (3) on the protected premises.

8.640 Alarm System Requirements, Generally.

- (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code, or of any applicable statute, law or administrative regulation of the United States of America, the State of Oregon, or any administrative rule-making body thereof.
- (2) The alarm company shall be responsible for training the permit holder on the use of the system and causes of false alarms. The alarm company shall also stress the effect false alarms have on the

criminal justice system and the risks to police of responding to alarms. This training can be accomplished by written material, pre-recorded video information, or other means that have been approved by the Chief of Police

(3) The holder of an alarm system permit shall be responsible for training and re-training all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered.

(4) The holder of an alarm system permit shall, at all times, be responsible for the proper maintenance and repair of the system, and for the repair or replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.

[Amd. Sec. 4, Ord. No. 7961, Sept. 21, 1995; Amd. Sec. 1, Ord. No. 8282, Feb. 6, 1997.]

8.645 Permits Required.

(1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit.

(2) City police may refuse to respond to an alarm from a system without a permit.

(3) No permit shall be required for an exempt alarm system as defined in section 8.610, and the provisions of this chapter shall not apply to such systems.

(4) Violation of this provision shall be a violation. Each day during which the violation is maintained or continued shall be deemed a separate violation.

[Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000; Amd. Sec. 1, Ord. No. 2020-163, Dec. 17, 2020.]

8.650 Permit Application.

Each application for an alarm system permit shall be made on a form prescribed by the chief, and shall contain the following information:

(1) The name, address and telephone number of the principal of the protected premises.

(2) The type of premises (home, office, variety store, etc.) and any business name by which the premises is known.

(3) The address of the protected premises, including, if it is in a residential, commercial or industrial complex (office building, apartment house, shopping center, etc.), any name by which the complex is commonly known.

(4) The name, address, and telephone number of the alarm company.

(5) The application shall be accompanied by the fee prescribed under section 8.660.

[Amd. Sec. 1, Ord. No. 2008-48, March 6, 2008.]

8.655 Issuance of Permit.

Upon receipt by the Chief Financial Officer of the permit application and fee, the chief shall undertake whatever investigation he deems necessary. If it appears to the chief that the proposed system will comply with the provisions of this chapter, he shall so notify the Chief Financial Officer who shall issue to the applicant a permit bearing an identifying number, specifying the class of alarm system for which it is issued, and setting forth the expiration date of the permit. The City shall not,

by the issuance of any alarm system permit, be obligated to respond or accord any priority to an alarm from such system.

8.660 Permit Fees.

(1) The fees for alarm system permits and renewals shall be as follows:

Class III:	\$32.00
Class IV:	\$32.00
Class V:	\$32.00

(2) A one-time late fee of \$5 or 1% of the outstanding balance, whichever is greater, shall be assessed on past-due balances. The late fee will be assessed 10 calendar days after the bill due date. [Amd. Sec. 1, Ord. No. 6952, Aug. 1, 1991; Amd. Sec. 11, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 1, Ord. No. 2005-250, Nov. 3, 2005; Amd. Sec. 12, Ord. No. 2007-147, July 5, 2007; Amd. Sec. 2, Ord. No. 2020-163, Dec. 17, 2020.]

8.665 Term of Permit and Renewal.

(1) Class III, IV, and V alarm system permits shall expire on the first day of the anniversary month following the year of issue.

(2) An alarm system permit may be transferred to a new location upon completion of the alarm permit address change form and its submission to the Chief Financial Officer. A person who has paid the permit fee for the year and terminates their alarm permit during that year shall be entitled to claim a prorata refund for the quarters beginning after the last day at original location.

(3) Renewal permits shall be dated the first day of the anniversary month each year. The renewal permit will not be issued until the fee is paid. The renewal application shall contain the principal's signed statement that there have been no changes in principal, protected premises or class of alarm system. A suspended permit may be renewed only as provided in section 8.690.

[Amd. Sec. 2, Ord. No. 6952, Aug. 1, 1991; Amd. Ord. No. 2000-197, Oct. 5, 2000; Amd. Sec. 2, Ord. No. 2008-48, March 6, 2008; Amd. Sec. 3, Ord. No. 2020-163, Dec. 17, 2020.]

8.670 Inspection of Alarm Systems.

Prior to issuing an alarm system permit, and at any time thereafter during the term thereof, the chief may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformance with the provisions of this chapter.

8.675 Current Information Required.

Within ten days following any change of circumstances which renders obsolete any of the information submitted pursuant to section 8.650, the permittee shall file an amendment to his application setting forth the currently accurate information. No additional fee shall be required.

[Amd. Sec. 3, Ord. No. 2008-48, March 6, 2008.]

8.680 False Alarm Fees.

(1) If the location of a false alarm does not have a permit, a permit application is required and the

permit fee as outlined in section 8.660 shall be added to the false alarm charge.

(a) First false alarm - No charge

(b) Subsequent false alarms within the next 12 months:

Second false alarm	\$53.00
Third false alarm	\$106.00
Fourth false alarm	\$212.00
Fifth or more false alarm	\$424.00

(2) Any person who has been assessed a false alarm fee may appeal such charge to the Chief of Police by giving written notice to the Chief within 30 days of invoice assessing such charge. Upon receipt of the appeal notice, the Chief shall appoint one or more of his supervisory officers to investigate the circumstances of the alarms upon which the appeal is based. The investigator shall notify the appellant of a time certain, not less than two weeks nor more than four weeks following the date upon which the appeal was filed, at or before such time certain the appellant shall file in writing with the investigator whatever factual information he deems relevant in support of his appeal. If the investigator determines the charge to have been made in error he shall order the invoice canceled and notify the appellant and the Chief Financial Officer of such determination, which shall be final. If the investigator determines the charge to be proper, he shall make a full report of his findings and file the same, together with any information filed with him by the appellant, with the Chief of Police. The investigator's determination shall be filed with the Chief within 45 days of the time on which the appeal was filed. The Chief shall make a final determination on the disputed charges and mail notice thereof to the appellant within 60 days after the filing of the appeal. If the chief determines that any of the disputed charges are valid, the permit holder shall pay such charges within 30 days after notice of the final decision of the Chief is mailed to him. Such decision shall be final and not subject to further appeal, notwithstanding the provisions of any other ordinance governing appeals.

[Amd. Sec. 1, Ord. No. 5958, Aug. 20, 1987; Amd. Sec. 5, Ord. No. 7961, Sept. 21, 1995; Amd. Sec. 2, Ord. No. 8282, Feb. 6, 1997; Amd. Sec. 15, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 15, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 2, Ord. No. 2005-250, Nov. 3, 2005; Amd. Sec. 13, Ord. No. 2007-147, July 5, 2007; Amd. Sec. 4, Ord. No. 2008-48, March 6, 2008; Amd. Sec. 4, Ord. No. 2020-163, Dec. 17, 2020.]

8.685 Suspension of Permits.

(1) The following shall be grounds for suspension by the chief of any permit issued pursuant to this chapter:

- (a) Any false or incomplete statement made on the permit application.
- (b) Programming of an automatic dialer to select any City of Medford telephone line.
- (c) Maintenance, installation or use of the alarm system in violation of any applicable law, ordinance or regulation, including the requirements of this chapter.
- (d) Failure to provide current information as required in sections 8.625, 8.630, 8.635 and 8.675.
- (e) Testing or deliberate activation of a Class II alarm system other than as authorized in section 8.620.

(2) If the chief determines that there is cause for the suspension of a permit, he shall mail a notice of suspension to the principal, stating that the suspension will be effective thirty days after the date of mailing, unless a notice of appeal is filed with the Chief Financial Officer on or before the effective date.

(3) Persons operating an alarm system covered by this chapter after the alarm permit has been suspended shall be in violation of a violation punishable by a fine of up to \$250.00.

[Amd. Sec. 2, Ord. No. 5958, Aug. 20, 1987; Amd. Sec. 6, Ord. No. 7961, Sept. 21, 1995; Amd. Sec. 3, Ord. No. 8282, Feb. 6, 1997; Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000; Amd. Sec. 5, Ord. No. 2008-48, March 6, 2008.]

8.688 Appeals of Suspension Orders.

(1) Any person who is sent a notice of suspension under section 8.685 may appeal the suspension action to the Chief Financial Officer by giving written notice to the Chief Financial Officer within 30 days after mailing of the notice of suspension. The filing of a Notice of Appeal shall stay the suspension until disposition of the appeal.

(2) If a timely notice of appeal is received, the Chief Financial Officer shall notify the permit holder of the time and place of the appeal hearing and shall make a final decision after considering all the evidence presented. Notwithstanding any other provision of the Code of Medford, the decision of the Chief Financial Officer to suspend an alarm permit shall be final and may not be appealed to the City Council.

[Amd. Sec. 4, Ord. No. 8282, Feb. 6, 1997.]

8.690 Reinstatement After Suspension.

A principal whose alarm system permit has been suspended may have the permit reinstated upon payment of a reinstatement fee of \$50.00

[Amd. Sec. 5, Ord. No. 8282, Feb. 6, 1997; Amd. Sec. 16, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 16, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 3, Ord. No. 2005-250, Nov. 3, 2005; Amd. Sec. 6, Ord. No. 2008-48, March 6, 2008.]

8.691 Repealed, Sec. 7, Ord. No. 2008-48, March 6, 2008.

8.692 Notices.

(1) Notice or billing from the city to any permit holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U. S. mail, first class postage, prepaid, addressed to the permit holder at the address shown in the city's permit records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts stated therein with respect to such notice.

(2) Notice to the city or payment under this ordinance shall be effective when received at the appropriate city office.

8.695 Fire Alarms.

(a) Except for fire alarms protecting property of the City of Medford, fire alarm annunciators shall not be located on city premises and the city shall not monitor such alarms.

(b) No person shall install, activate, maintain, or use a fire or smoke alarm which incorporates or activates an automatic dialer programmed to select a telephone line which rings or terminates on the premises of the City of Medford. Violation of this subsection (b) shall be a violation.
[Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000.]

AMBULANCES

8.700 [Repealed Ord. No. 7252, Nov. 19, 1992.]

8.715 [Repealed, Ord. No. 7252, Nov. 19, 1992.]

8.720 [Repealed, Ord. No. 7252, Nov. 19, 1992.]

8.725 [Repealed, Ord. No. 7252, Nov. 19, 1992.]

CAR RENTAL TAX

8.750 Title.

This subchapter may be referred to as the City of Medford Rental Car Tax.

[Added, Sec. 1, Ord. No. 2005-119, June 16, 2005.]

8.751 Definitions.

Except where the context otherwise requires, the following definitions govern the construction of the City of Medford Rental Car Tax.

(1) "Rental Car" includes, without limitation, all automobiles; pickups; trucks, vans, and other motor vehicles designed and used primarily for the transportation of property, and any motorized passenger vehicles which are capable of being used on the highways of Oregon, offered by an operator under this code.

(2) "City Council" means the City Council of the City of Medford, Oregon.

(3) "Commercial Establishment" means any person or other entity who generates gross revenues by providing rental cars for a rental fee at any location within the corporate limits of the City.

(4) "Operator" means any person operating a commercial establishment

(5) "Renter" means a natural person, sole proprietorship, partnership, joint venture, association, corporation estate, trust or any other entity in the name of which a motor vehicle is rented under this subchapter.

(6) "Rental or Renting" means obtaining the use of a rental car from a commercial establishment at any location within the City for a rental fee. Excluded are leases or other transactions where title of a motor vehicle is permanently or temporarily transferred from the commercial establishment to any other person or entity, fees or charges for fueling, car seats, GPS devices, satellite radio, and similar devices, supplies, and commodities. If the rental originates at any location within the City, but the rental fee is collected at some other location outside the City, the operators who provided the rental car within the City shall be responsible for remittance of the tax, based on the total rental fee, wherever collected.

(7) “Rental Fee, Rent, or Gross Rent” means the gross fee, whatever the basis of its calculation, paid to a commercial establishment by any person for the rental of a Rental Car.

(8) “Tax” means either the tax payable or due by the person, operators or commercial establishment during the reporting period.

(9) “Transacting Business” means a commercial establishment’s solicitations to rent rental cars via the printed or telecommunications media, or arrangements for or obligation of payment for rental of a rental car.

[Added, Sec. 2, Ord. No. 2005-119, June 16, 2005; Amd. Sec. 1, Ord. No. 2016-100, Aug. 18, 2016; Amd. Sec. 1, Ord. No. 2020-86, Jul. 16, 2020.]

8.752 Tax Imposed.

For the privilege of renting a rental car, on and after August 1, 2020, each renter shall pay a tax in the amount of twelve and one-half percent (12.5%) of the gross rent charged by the operators. The tax constitutes a debt owed by the renter to the city which is extinguished only by payment to the operators or to the city. The renter shall pay the tax to the operators at the time the rent is paid. The operators shall enter the tax on its records when rent is collected if the operators keeps records on the cash accounting basis; and when earned if the operators keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the renter to the operators with each installment. If for any reason the tax due is not paid to the operators of the commercial agency, the Chief Financial Officer may require that such tax shall be paid directly to the city. In all cases, the rent paid or charged for rental shall exclude the sale of any goods, services and commodities other than the furnishing of rental cars.

[Added, Sec. 3, Ord. No. 2005-119, June 16, 2005; Amd. Ord. No. 2013-137, Oct. 3, 2013; Amd. Sec. 2, Ord. No. 2020-86, Jul. 16, 2020.]

8.753 Collection of Tax by Operators; Rules for Collection.

(1) Every operator renting rental cars for a rental fee in this city, the rental of which is not exempted under the terms of this ordinance, shall collect a tax from the renter. In addition to being property of the City held in trust by the operators, the tax collected or accrued by the operators constitutes a debt owing by the operators to the city. Nothing provided herein shall allow the city to collect double the tax from any single rental.

(2) In all cases of credit or deferred payment of rent, the payment of tax to the operators may be deferred until the rent is paid, and the operators shall not be liable for the tax until creditors are paid or deferred payments are made.

(3) The Chief Financial Officer shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations not inconsistent with this ordinance as may be necessary to aid in the enforcement.

(4) The rate imposed by section 8.752 shall be rounded to the nearest whole cent.

[Added, Sec. 4, Ord. No. 2005-119, June 16, 2005.]

8.754 Operator's Duties.

Each operator shall collect the tax imposed by this ordinance at the same time as the rent is collected

from every renter. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a commercial agency shall advertise that the tax or any part of the tax will be assumed or absorbed by the operators, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance. [Added, Sec. 5, Ord. No. 2005-119, June 16, 2005.]

8.755 Exemptions.

No tax imposed under this ordinance shall be imposed upon:

- (1) A rental fee which Oregon or Federal law exempts from the tax.
- (2) A travel trailer, camper or motor home, as defined in ORS 366.512, whose registration fee is allocated to counties pursuant to ORS 390.134(4).

[Added, Sec. 6, Ord. No. 2005-119, June 16, 2005; Amd. Sec. 3, Ord. No. 2020-86, Jul. 16, 2020.]

8.756 Registration of Operators; Form and Contents; Execution; Certification of Authority.

Every person engaging or about to engage in business as an operators of a rental car company in this city shall register with the Chief Financial Officer on a form provided by that office. Operators engaged in business at the time this ordinance is adopted must register not later than thirty (30) calendar days after this adoption. Operators starting business after this ordinance is adopted must register within fifteen (15) calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration shall set forth the name under which an operators transacts or intends to transact business, the location of the place or places of business and such other information to facilitate the collection of the tax as the Chief Financial Officer may require. The registration shall be signed by the operators. The Chief Financial Officer shall, within ten days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Chief Financial Officer upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy. Said certificate shall, amount other things, state the following:

- (a) The name of the operators;
- (b) The address of the business;
- (c) The date upon which the certificate was issued;
- (d) “This Car Rental Registration Certificate signifies that the person named on the face

hereof has fulfilled the requirements of the Car Rental Tax Ordinance of the City of Medford by registration with the Chief Financial Officer for the purpose of collecting from renters the car rental tax imposed by said City and remitting said tax to the Chief Financial Officer. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a commercial establishment without strictly complying with all local

applicable laws including but not limited to those requiring a permit from any board, commission, department or office of the City of Medford. This certificate does not constitute a permit.”
[Added, Sec. 7, Ord. No. 2005-119, June 16, 2005.]

8.757 Due Date; Returns and Payments.

(1) The tax imposed by this ordinance shall be paid by the renter to the operators at the time that rent is paid. All amounts of such taxes collected by any operators are due and payable to the Chief Financial Officer on a monthly basis on or before the last day of the month immediately following for the preceding month; and are delinquent if not paid by the due date.

(2) On or before the last day of each month a return for the preceding month's tax collections shall be filed with the Chief Financial Officer. The return shall be filed in such form as the Chief Financial Officer may prescribe by every operators liable for payment of tax.

(3) Returns shall show the amount of tax collected or otherwise due for the related period. The Chief Financial Officer may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operators for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

(4) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Chief Financial Officer at his office either by personal delivery or by mail. If the return is mailed, the postmark date shall be considered the date of delivery for determining delinquencies.

(5) For good cause, the Chief Financial Officer may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Council upon approval. Any operators to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this ordinance.

[Added, Sec. 8, Ord. No. 2005-119, June 16, 2005.]

8.758 Penalties and Interest.

(1) Original Delinquency. Any operators who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due in addition to the amount of the tax.

(2) Continued Delinquency. Any operators who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of sixty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due plus the amount of the tax and the ten percent (10%) penalty first imposed.

(3) Fraud. If the Chief Financial Officer determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five

percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (1) and (2) of this section.

(4) Interest. In addition to the penalties imposed, any operators who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(5) Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(6) Petition for Waiver. Any operators who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated provided, however, the operators may petition the City Council for waiver and refund of the penalty or any portion thereof and the City Council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. [Added, Sec. 9, Ord. No. 2005-119, June 16, 2005.]

8.759 Deficiency Determinations; Fraud, Evasion, Operators Delay.

(1) Deficiency Determination. If the Chief Financial Officer determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one, or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties or deficiencies shall be applied as set forth in Section 16.808.

(a) In making a determination the Chief Financial Officer may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties, and interest, on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 16.808.

(b) The Chief Financial Officer shall give to the operators or occupant a written notice of his determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the operators at his address as it appears in the records of the Chief Financial Officer. In the case of service by mail of any notice required by this ordinance the service is complete at the time of deposit in the United States Post Office.

(c) Except in the case of fraud, intent to evade this ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(d) Any determination shall become due and payable immediately upon receipt of notice and shall become final ten days after the Chief Financial Officer has given notice thereof, provided, however, the operators may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(2) Fraud, Refusal to Collect, Evasion. If any operators shall fail or refuse to collect said tax or to make, within the time provided in this ordinance, any report and remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise wilfully attempts to evade this ordinance, the Chief Financial Officer shall proceed in such manner as he may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the Chief Financial Officer has determined the tax due that is imposed by this ordinance from an operators who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such operators the tax, interest, and penalties, provided for by this ordinance. In case such determination is made, the Chief Financial Officer shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the Chief Financial Officer of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the Chief Financial Officer has given notice thereof, provided, however, the operators may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(3) Operators Delay. If the Chief Financial Officer believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operators shall immediately pay same determination to the Chief Financial Officer after service of notice thereof, provided, however, the operators may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten days from the date of service of notice by the Chief Financial Officer.

[Added, Sec. 10, Ord. No. 2005-119, June 16, 2005.]

8.760 Redeterminations.

(1) Any person against whom a determination is made under Section 8.759, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.759. If a petition for redetermination and refund is not filed within the time required therein, the determination becomes final at the expiration of the allowable time.

(2) If a petition for redetermination and refund is filed within the allowable period, the Chief Financial Officer shall reconsider the determination, and, if the person has so requested in his petition, shall grant the person an oral hearing and shall give him ten days notice of the time and place of the hearing. The Chief Financial Officer may continue the hearing from time to time as may be necessary.

(3) The Chief Financial Officer may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

(4) The order or decision of the Chief Financial Officer upon a petition for redetermination of redemption and refund becomes final ten (10) days after service upon the petitioner of notice thereof,

unless appeal of such order or decision is filed with the City Council within the ten (10) days after service of such notice.

(5) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operators has first complied with the payment provisions hereof.

[Added, Sec. 11, Ord. No. 2005-119, June 16, 2005.]

8.761 Security for Collection of Tax.

(1) The Chief Financial Officer, whenever he deems it necessary to insure compliance with this ordinance, may require any operators subject thereto to deposit with him such security in the form of cash, bond, or other security as the Chief Financial Officer may determine. The amount of the security shall be fixed by the Chief Financial Officer but shall not be greater than twice the operator's estimated average monthly liability for the period for which he files returns, determined in such manner as the Chief Financial Officer deems proper, or Five Thousand Dollars (\$5,000.00), whichever amount is less. The amount of the security may be increased or decreased by the Chief Financial Officer subject to the limitations herein provided. As set forth in 8.766, the operators has a right to appeal to the City Council any decision of the Chief Financial Officer made under this section.

(2) Any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Chief Financial Officer may bring an action in the courts of this State, or any other state, or of the United States in the name of the City of Medford to collect the amount delinquent together with penalties and interest.

[Added, Sec. 12, Ord. No. 2005-119, June 16, 2005.]

8.762 Lien.

The tax imposed by this ordinance together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Jackson County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this ordinance shall be and, until paid, remain a lien from the date of its recording with the County Clerk of Jackson County, Oregon, and superior to all subsequent recorded liens on all tangible personal property (other than rental cars) used in the office of an operators within Medford and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded with the County Clerk of Jackson County, Oregon. Notice of lien may be issued by the Chief Financial Officer whenever the operators is in default in the payment of said tax, interest and penalty and shall be recorded with the County Clerk of Jackson County, Oregon and a copy sent to the delinquent operators. The personal property subject to such lien may be foreclosed on and sold as provided by law. Any lien for taxes as shown on the records of the proper County Official shall, upon the payment of all taxes, penalties, and interest thereon, be released by the Chief Financial Officer when the full amount determined to be due has been paid to the city and the operators or person making such payment shall receive a receipt therefor stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.

[Added, Sec. 13, Ord. No. 2005-119, June 16, 2005.]

8.763 Refunds.

(1) Operator Refunds. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Chief Financial Officer under this ordinance, it may be refunded, provided a verified claim in writing therefor stating the specific reason upon which the claim is founded, is filed with the Chief Financial Officer within three years from the date of payment. The claim shall be made on forms provided by the Chief Financial Officer. If the claim is approved by the Chief Financial Officer, the excess amount collected or paid may be refunded or may be credited on any amounts due and payable from the operators from whom it was collected or by whom paid and the balance may be refunded to such operators, his administrators, executors, or assignees.

(2) Renter Refunds. Whenever the tax required by this ordinance has been collected by the operators, and deposited by the operators with the Chief Financial Officer, and it is later determined that the tax was erroneously or illegally collected or received by the Chief Financial Officer, it may be refunded by him to the renter, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with said Chief Financial Officer within three years from the date of payment.

[Added, Sec. 14, Ord. No. 2005-119, June 16, 2005.]

8.764 Collection Fee.

Every operators liable for the collection and remittance of the tax imposed by this ordinance may withhold five percent (5%) of the net tax due to cover the operator's expense in the collection and remittance of said tax.

[Added, Sec. 15, Ord. No. 2005-119, June 16, 2005.]

8.765 Administration.

(1) Park Improvement Fund. The Chief Financial Officer shall deposit all of the proceeds of the car rental tax as they are received into the Park Improvement Fund. The Park Improvement Fund shall be used for the purpose of financing capital improvements within the Leisure Services Plan for the City of Medford for development of park facilities.

(2) Records Required from Operators; Form. Every operators shall keep accounting books and records of the rentals. All such records and books shall be retained by the operators for a period of three years and six months after they come into being.

(3) Examination of Records; Investigations. The Chief Financial Officer or any person authorized in writing by him may examine during normal business hours, the books, papers and accounting records relating to rentals of any operators after notification to the operators liable for the tax and may investigate the business of the operators in order to verify the accuracy of any return made, or if no return is made by the operators, to ascertain and determine the amount required to be paid. To assist in this process, the Chief Financial Officer may request certified copies of annual tax returns covering operators.

(4) Confidential Character of Information Obtained - Disclosure Unlawful. It shall be unlawful for the Chief Financial Officer or any person having an administrative or clerical duty under the provisions of this ordinance to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to

obtain a Car Rental Tax Registration Certificate, or pay a car rental tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person, provided that nothing in this subsection shall be construed to prevent:

(a) The disclosure to, or the examination of records and equipment by another City of Medford official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this ordinance; or collecting taxes imposed hereunder.

(b) The disclosure after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; further provided, however, that the city attorney approves each such disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

(c) The disclosure of the names and addresses of any persons to whom Car Rental Registration Certificates have been issued.

(d) The disclosure of general statistics regarding taxes collected or business done in the city.

[Added, Sec. 16, Ord. No. 2005-119, June 16, 2005; Amd. Sec. 1, Ord. No. 2017-81, July 20, 2017.]

8.766 Appeals to City Council.

Any person aggrieved by any decision of the Chief Financial Officer may appeal to the City Council of the City of Medford pursuant to Medford Code 1.025.

[Added, Sec. 17, Ord. No. 2005-119, June 16, 2005.]

8.767 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional (or otherwise invalid).

[Added, Sec. 18, Ord. No. 2005-119, June 16, 2005.]

8.768 Violations.

It is unlawful for any operators or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Chief Financial Officer or to render a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this ordinance.

[Added, Sec. 19, Ord. No. 2005-119, June 16, 2005.]

TRANSIENT LODGINGS TAX

8.800 Title.

This ordinance shall be known and may be cited as the "Transient Lodgings Tax Ordinance of the City of Medford."

8.801 Definitions.

Except where the context otherwise requires, the following definitions govern the construction of this ordinance.

(1) "Transient Lodging" means:

(a) Hotel, motel and inn dwelling units that are used for temporary overnight human occupancy;

(b) Spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or

(c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

(2) "City Council" means the City Council of the City of Medford, Oregon.

(3) "Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any transient lodging.

(4) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(5) "Cash accounting" means the lodging tax collector does not enter the rent due from a transient on his records until rent is paid.

(6) "Accrual accounting" means the lodging tax collector enters the rent due from a transient on his records when the rent is earned whether or not it is paid.

(7) "Rent" means the total retail price, including all charges other than taxes, rendered for the sale, service or furnishing of transient lodging whether or not received by the lodging tax collector, for the occupancy of transient lodging valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.

(8) "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this ordinance shall be the same charge made for rent when consideration is not a part of a package plan. This concept is intended to follow state law regarding services included in the fee for purposes of determining the total retail price.

Example taken from State of Oregon Administrative Rules 150-320-305

Example 1: The ABC Bed and Breakfast charges \$100 per night for a room. Guests are provided a breakfast that is included in the per-night fee. Guests may also have lunch or dinner at ABC and may charge the cost of these meals to their room. ABC will collect tax on \$100 per night because the breakfast is included in the room fee. The tax does not apply to any charges for optional meals purchased by ABC's guests.

Example 2: The High Mountain Resort offers winter lodging packages for customers.

Customers can purchase a weekend package that includes two nights lodging and two ski lift tickets for a nearby ski resort for \$250. Their regular charge for weekend lodging during the winter for a two night stay is \$200. The state lodging tax will be collected on \$200 because that represents the charge for providing lodging.

Example 3: The Highlife Hotel charges a standard room rate based on single occupancy. The Young family has two children and a dog. They rent a room for one night. The basic room rate is \$80 per night. There is a \$10 charge for a second adult. There is no charge for the children. The Youngs request a crib that costs an additional \$10. There is also a \$10 charge for the family dog. The state lodging tax applies to all of the additional fees as well as the standard room rate. The total amount subject to tax is \$110.

(9) "Tax" means either the tax payable by the transient, or the aggregate amount of taxes due from a lodging tax collector during the period for which he is required to report his collections.

(10) "Chief Financial Officer" means the Chief Financial Officer of the City of Medford, Oregon.

(11) "Transient" means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of twenty-seven consecutive calendar days or less, counting portions of paid calendar days as full days. The day a transient checks out of the transient lodging shall not be included in determining the 27-day period if the transient is not charged rent for that day by the lodging tax collector. Any such individual so occupying space in transient lodging shall be deemed to be a transient until the period of 27 days has expired unless there is an agreement in writing between the lodging tax collector and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior to and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(12) "Transient Lodging Intermediary" or "Lodging Intermediary" means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

(a) Charges for the occupancy of the transient lodging

(b) Collects the consideration charged for occupancy of the lodging; or

(c) Receives a fee or commission and requires the lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the lodging.

(13) "Transient Lodging Provider" or "Lodging Provider" means a person that furnishes lodging.

(14) "Transient Lodging Tax Collector" or "Lodging Tax Collector" means a transient lodging provider or a transient lodging intermediary.

[Amd. Sec. 1, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 1, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 1, Ord. No. 2019-59, June 20, 2019.]

8.802 Tax Imposed.

For the privilege of occupancy in any transient lodging, on and after August 1, 2020,

(1) A tax of eleven percent (11%) is imposed on any consideration rendered for the sale, service or furnishing of transient lodging. The tax remains at nine percent (9%) for any such transaction occurring prior to August 1, 2020 and on or after January 1, 2006.

(a) The tax must be computed on the total retail price, including all charges other than taxes,

paid by a person for occupancy of the transient lodging.

(b) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the lodging tax collector's business.

(c) The tax shall be collected by the lodging tax collector that receives the consideration rendered for occupancy of the transient lodging.

(d) The tax imposed by this subsection is in addition to and not in lieu of any state transient lodging tax.

(2) The transient shall pay the tax to the lodging tax collector of the transient lodging at the time the rent is paid. The operators shall enter the tax on his records when rent is collected if the operators keeps his records on the cash accounting basis and when earned if the lodging tax collector keeps his records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the lodging tax collector with each installment. If for any reason the tax due is not paid to the operators of the transient lodging, the Chief Financial Officer may require that such tax shall be paid directly to the city.

[Amd. Sec. 1, Ord. No. 5316, Dec. 6, 1984, effective Jan. 1, 1985; Amd. Sec. 1, Ord. No. 2000-243, Dec. 21, 2000, effective Jan. 1, 2001; Amd. Ord. No. 2005-261, Nov. 17, 2005; Amd. Sec. 2, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 2, Ord. No. 2019-59, June 20, 2019; Amd. Sec. 1, Ord. No. 2020-80, Jun. 18, 2020.]

8.803 Collection of Tax; Rules for Collection.

(1) The lodging provider that collects the consideration charged for occupancy of a transient lodging business, or a transient lodging intermediary as described in Section 8.801(12) of this Code, as applicable, is responsible for collecting any lodging tax and shall file a return of the tax with the City of Medford Chief Financial Officer, or with any tax administrator identified by the City, reporting the amount of tax due during the reporting period to which the return relates.

(2) Every lodging tax collector renting rooms in this city, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the lodging tax collector constitutes a debt owing by the operators or the transient lodging intermediaries, as applicable, to the city. In addition the tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the city.

(3) In all cases of credit or deferred payment of rent, the payment of tax to the lodging tax collector may be deferred until the rent is paid, and the lodging tax collector shall not be liable for the tax until creditors are paid or deferred payments are made.

(4) The Chief Financial Officer shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations not inconsistent with this ordinance as may be necessary to aid in the enforcement.

(5) The rate imposed by section 8.802 shall be rounded to the nearest whole cent.

[Amd. Sec. 2, Ord. No. 5316, Dec. 6, 1984, effective Jan. 1, 1985; Amd. Sec. 2, Ord. No. 2000-243, Dec. 21, 2000, effective Jan. 1, 2001; Amd. Sec. 3, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 3, Ord. No. 2019-59, June 20, 2019; Amd. Sec. 2, Ord. No. 2020-80, Jun. 18, 2020.]

8.804 Lodging Tax Collector's Duties.

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

[Amd. Sec. 4, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 4, Ord. No. 2019-59, June 20, 2019.]

8.805 Exemptions.

No tax imposed under this ordinance shall be imposed upon:

- (1) Transient Lodging in a hospital, health care facility, long term care facility or any other residential facility that is licensed, registered or certified by the Department of Human Services or the Oregon Health Authority;
- (2) A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- (3) Transient Lodging in a private residence that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;
- (4) Transient Lodging, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter; other than this temporary emergency exception, the taxes herein apply to state and local government workers;
- (5) Transient Lodging at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or
- (6) Transient Lodging that is leased or otherwise occupied by the same person for a consecutive period of 27 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:
 - (a) All dwelling units occupied are within the same facility; and
 - (b) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

[Amd. Sec. 5, Ord. No. 2015-117, November 19, 2015]

8.806 Registration of Tax Collector; Form and Contents; Execution; Certification of Authority.

(1) Every person engaging or about to engage in business as a lodging tax collector in this city shall register with the Chief Financial Officer on a form provided by him. Lodging tax collectors engaged in business at the time this ordinance is adopted must register not later than thirty (30) calendar days after this adoption. Lodging tax collectors starting business after this ordinance is adopted must register within fifteen (15) calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration.

(2) Registration shall set forth:

- (a) The name under which a lodging tax collector transacts or intends to transact business;
- (b) The location of the transient lodging;
- (c) Any such other information to facilitate the collection of the tax as the Chief Financial Officer may require; and
- (d) The signature of the operators.

(3) The Chief Financial Officer shall, within ten days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Chief Financial Officer upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business of the transient lodging to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- (a) The name of the lodging tax collector;
- (b) The address of the transient lodging;
- (c) The date upon which the certificate was issued; and
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Lodgings Tax Ordinance of the City of Medford by registration with the Chief Financial Officer for the purpose of collecting from transients the room tax imposed by said City and remitting said tax to the Chief Financial Officer. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate transient lodging without strictly complying with all local applicable laws including but not limited to those requiring a permit from any board, commission, department or office of the City of Medford. This certificate does not constitute a permit."

[Amd. Sec. 6, Ord. No. 2115-117, November 19, 2015; Amd. Sec. 5, Ord. No. 2019-59, June 20, 2019.]

8.807 Due Date; Returns and Payments.

(1) The tax imposed by this Chapter shall be paid by the occupant to the lodging tax collector at the time that rent is paid. All amounts of such taxes collected by any lodging tax collector are due and payable to the Chief Financial Officer on or before the last day of each month. The return shall be filed by every lodging tax collector liable for payment of tax, in such form as the Chief Financial Officer may prescribe.

(2) Returns shall show the amount of tax collected or otherwise due for the related period. The Chief Financial Officer may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of lodging tax collector for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

(3) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Chief Financial Officer at his office either by personal delivery by mail

or by any commercially reasonable means, including but not limited to electronic or telephonic transfer, or private delivery service (PDS). For purposes of determining delinquencies, the date of delivery is the date the return and tax are received by the Chief Financial Officer. If the return is delivered in person, it must be received on or before the due date during business hours. (8am-5pm, Monday-Friday).

(4) For good cause, the Chief Financial Officer may extend for not to exceed one month the time for making any return or payment of tax for a period not to exceed one month. No further extension shall be granted, except by the City Council upon appeal. Any lodging tax collector to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this ordinance.

[Amd. Section 1, Ord. No. 7062, Feb. 6, 1992; Amd. Sec. 2, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 7, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 6, Ord. No. 2019-59, June 20, 2019; Amd. Sec. 1, Ord. No. 2020-12, Feb. 6, 2020.]

8.808 Penalties and Interest.

(1) **Original Delinquency.** Any lodging tax collector who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due in addition to the amount of the tax.

(2) **Continued Delinquency.** Any lodging tax collector who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due plus the amount of the tax and the ten percent (10%) penalty first imposed.

(3) **Fraud.** If the Chief Financial Officer determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (1) and (2) of this section.

(4) **Interest.** In addition to the penalties imposed, any lodging tax collector who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(5) **Penalties Merged With Tax.** Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(6) **Petition for Waiver.** Any lodging tax collector who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated provided, however, the operators may petition the City Council for waiver and refund of the penalty or any portion thereof and the City Council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

[Amd. Ord. No. 6696, Aug. 16, 1990; Amd. Sec. 3, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 7, Ord. No. 2019-59, June 20, 2019.]

8.809 Deficiency Determinations; Fraud, Evasion, Tax Collector Delay.

(1) **Deficiency Determination.** If the Chief Financial Officer determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one, or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties or deficiencies shall be applied as set forth in Section 8.808.

(a) In making a determination the Chief Financial Officer may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties, and interest, on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.808.

(b) The Chief Financial Officer shall give to the lodging tax collector or occupant a written notice of his determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the lodging tax collector at his address as it appears in the records of the Chief Financial Officer. In the case of service by mail of any notice required by this ordinance the service is complete at the time of deposit in the United States Post Office.

(c) Except in the case of fraud, intent to evade this ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(d) Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the Chief Financial Officer has given notice thereof, provided, however, the lodging tax collector may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(2) **Fraud, Refusal to Collect, Evasion.** If any lodging tax collector shall fail or refuse to collect said tax or to make, within the time provided in this ordinance, any report and remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise willfully attempts to evade this ordinance, the Chief Financial Officer shall proceed in such manner as he may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the Chief Financial Officer has determined the tax due that is imposed by this ordinance from an lodging tax collector who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such lodging tax collector the tax, interest, and penalties, provided for by this ordinance. In case such determination is made, the Chief Financial Officer shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the Chief Financial Officer of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become

final within ten days after the Chief Financial Officer has given notice thereof, provided, however, the lodging tax collector may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(3) **Lodging Tax Collector Delay.** If the Chief Financial Officer believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the lodging tax collector shall immediately pay same determination to the Chief Financial Officer after service of notice thereof, provided, however, the lodging tax collector may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten days from the date of service of notice by the Chief Financial Officer.

[Amd. Sec. 8, Ord. No. 2019-59, June 20, 2019.]

8.810 **Redeterminations.**

(1) Any person against whom a determination is made under Section 8.809, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.809. If a petition for redetermination and refund is not filed within the time required therein, the determination becomes final at the expiration of the allowable time.

(2) If a petition for redetermination and refund is filed within the allowable period, the Chief Financial Officer shall reconsider the determination, and, if the person has so requested in his petition, shall grant the person an oral hearing and shall give him ten days' notice of the time and place of the hearing. The Chief Financial Officer may continue the hearing from time to time as may be necessary.

(3) The Chief Financial Officer may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

(4) The order or decision of the Chief Financial Officer upon a petition for redetermination of redemption and refund becomes final ten (10) days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Council within the ten (10) days after service of such notice.

(5) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the lodging tax collector has first complied with the payment provisions hereof.

[Amd. Sec. 4, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 9, Ord. No. 2019-59, June 20, 2019.]

8.811 **Security for Collection of Tax.**

(1) The Chief Financial Officer, whenever he deems it necessary to insure compliance with this ordinance, may require any lodging tax collector subject thereto to deposit with him such security in the form of cash, bond, or other security as the Chief Financial Officer may determine. The amount of the security shall be fixed by the Chief Financial Officer but shall not be greater than twice the lodging tax collector's estimated average monthly liability for the period for which he files returns,

determined in such manner as the Chief Financial Officer deems proper, or Five Thousand Dollars (\$5,000.00), whichever amount is less. The amount of the security may be increased or decreased by the Chief Financial Officer subject to the limitations herein provided. The lodging tax collector has a right to appeal to the City Council any decision of the Chief Financial Officer made under this section.

(2) Any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Chief Financial Officer may bring an action in the courts of this State, or any other state, or of the United States in the name of the City of Medford to collect the amount delinquent together with penalties and interest.

[Amd. Sec. 5, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 10, Ord. No. 2019-59, June 20, 2019.]

8.812 **Lien.**

The tax imposed by this ordinance together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Jackson County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this ordinance shall be and, until paid, remain a lien from the date of its recording with the County Clerk of Jackson County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the transient lodging of an lodging tax collector within Medford and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded with the County Clerk of Jackson County, Oregon. Notice of lien may be issued by the Chief Financial Officer whenever the lodging tax collector is in default in the payment of said tax, interest and penalty and shall be recorded with the County Clerk of Jackson County, Oregon and a copy sent to the delinquent lodging tax collector. The personal property subject to such lien may be foreclosed on and sold as provided by law.

Any lien for taxes as shown on the records of the proper County Official shall, upon the payment of all taxes, penalties, and interest thereon, be released by the Chief Financial Officer when the full amount determined to be due has been paid to the city and the lodging tax collector or person making such payment shall receive a receipt therefor stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.

[Amd. Sec. 8, Ord. No. 2015-117, November 19, 2015; Amd. Sec. 11, Ord. No. 2019-59, June 20, 2019.]

8.813 **Refunds.**

(1) **Refunds.** Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Chief Financial Officer under this ordinance, it may be refunded, provided a verified claim in writing therefor stating the specific reason upon which the claim is founded, is filed with the Chief Financial Officer within three years from the date of payment. The claim shall be made on forms provided by the Chief Financial Officer. If the claim is approved by the Chief Financial Officer, the excess amount collected or paid may be refunded or may be credited on any amounts due and payable from the operators from whom it was collected or by whom paid and the balance may be refunded to such lodging tax collector, his

administrators, executors or assignees.

(2) **Transient Refunds.** Whenever the tax required by this ordinance has been collected by the operators, and deposited by the lodging tax collector with the Chief Financial Officer, and it is later determined that the tax was erroneously or illegally collected or received by the Chief Financial Officer, it may be refunded by him to the transient, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with said Chief Financial Officer within three years from the date of payment.

[Amd. Sec. 12, Ord. No. 2019-59, June 20, 2019.]

8.814 **Collection Fee.**

Every lodging tax collector liable for the collection and remittance of the tax imposed by this ordinance may withhold five percent (5%) of the net tax due to cover the lodging tax collector's expense in the collection and remittance of said tax.

[Amd. Sec. 13, Ord. No. 2019-59, June 20, 2019.]

8.815 **Administration.**

(1) **Special Fund.** The Chief Financial Officer shall deposit twenty-five percent of the proceeds of the transient lodgings tax as they are received in a special fund to be known as the "Community Promotions Fund", forty-one percent into the General Fund, and thirty-four percent into the Park Improvement Fund. The Community Promotions Fund shall be used for the purpose of promoting, directly or through contract, the use of the City of Medford for recreational, cultural, convention and tourist-related activities and services. However, the city council may by resolution transfer all or part of the balance remaining in the Community Promotions Fund at the end of any fiscal year to the General Fund.

(2) **Records Required from Lodging Tax Collectors; Form.** Every lodging tax collector shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operators for a period of three years and six months after they come into being.

(3) **Examination of Records; Investigations.** The Chief Financial Officer or any person authorized in writing by him may examine during normal business hours, the books, papers and accounting records relating to room sales of any lodging tax collector after notification to the lodging tax collector liable for the tax and may investigate the business of the lodging tax collector in order to verify the accuracy of any return made, or if no return is made by the lodging tax collector, to ascertain and determine the amount required to be paid. To assist in this process, the Chief Financial Officer may request certified copies of annual tax returns covering operators.

(4) **Confidential Character of Information Obtained - Disclosure Unlawful.** It shall be unlawful for the Chief Financial Officer or any person having an administrative or clerical duty under the provisions of this ordinance to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate, or pay a transient occupancy tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to

permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person, provided that nothing in this subsection shall be construed to prevent:

(a) The disclosure to, or the examination of records and equipment by another City of Medford official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this ordinance; or collecting taxes imposed hereunder.

(b) The disclosure after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; further provided, however, that the city attorney approves each such disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

(c) The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued.

(d) The disclosure of general statistics regarding taxes collected or business done in the city.

[Amd. Sec. 14, Ord. No. 2019-59, June 20, 2019; Amd. Sec. 3, Ord. No. 2020-80, Jun. 18, 2020.]

8.816 [Repealed Sec. 7, Ord. No. 2004-215, Nov. 4, 2004.]

8.817 [Repealed Sec. 8, Ord. No. 2004-215, Nov. 4, 2004.]

8.818 Appeals to City Council.

Any person aggrieved by any decision of the Chief Financial Officer may appeal to the City Council of the City of Medford by filing a notice of appeal with the Chief Financial Officer within ten (10) days of the service or the mailing of the notice of the decision given by the Chief Financial Officer. The Chief Financial Officer shall transmit said notice of appeal, together with the file of said appealed matter to the City Council who shall fix a time and place for hearing such appeal. The City Council shall give the appellant not less than ten (10) days written notice of the time and place of hearing of said appealed matter. Action by the City Council on appeals shall be by resolution, passed by a majority of the members present at the meeting where such appeal is considered.

[Amd. Sec. 6, Ord. No. 2004-215, Nov. 4, 2004; Amd. Sec. 15, Ord. No. 2019-59, June 20, 2019.]

8.819 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional (or otherwise invalid).

8.820 Violations.

It is unlawful for any lodging tax collector or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Chief Financial Officer or to render a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this ordinance.

[Amd. Sec. 16, Ord. No. 2019-59, June 20, 2019.]

MISCELLANEOUS REGULATIONS

8.825 Liquor License Application.

(1) Fee. The applicant for any type of liquor license shall pay the appropriate processing fee as follows:

New outlet application	\$100.00
Annual renewals or temporary applications	35.00
Change in ownership	75.00
Change in location	75.00
Change in privilege	75.00
Change in business name	75.00

Fees must be paid before the application is considered by the City Council.

(2) Processing.

(a) The City adopts as valid grounds for unfavorable recommendations the standards of the OLCC now existing and as hereafter modified.

(b) Staff will review applications for valid grounds for unfavorable recommendations.

(c) If staff finds no valid grounds for unfavorable recommendations, staff shall forward a favorable recommendation to OLCC.

(d) If staff finds valid grounds for an unfavorable recommendation, the application will be set for City Council hearing within 30 days.

(e) Council will forward an unfavorable recommendation to OLCC on applications in which valid grounds for an unfavorable recommendation are sustained after a hearing.

[Amd. Sec. 12, Ord. No. 2000-72, April 20, 2000; Amd. Sec. 1, Ord. No. 2000-242, Dec. 21, 2000; Amd. Ord. No. 2006-269, Dec. 7, 2006.]

8.830 Gun Calibre Regulated.

No person operating a shooting gallery shall permit the use of guns therein in excess of .22 calibre.

8.835 Handbill Advertising.

(1) Except as provided in Subsection (2) of this section, no person shall place any handbill, paper, sticker, or any advertising matter of any kind pertaining to commercial enterprises in or on any automobile or place a sticker of such nature upon the windshield without the express consent of the owner thereof.

(2) Subsection (1) of this section shall not apply to handbills or stickers of the United States, state,

county, or municipality such as those seeking to prevent forest fires, or to enforce traffic rules, and the like.

8.840 Close-out Sales.

(1) For the purpose of this section, close-out sales shall mean any offer to sell to the public or sale to the public of goods, wares, or merchandise on the implied or direct representation that such sale is in anticipation of termination of a business at its present location, or that such sale is to include goods, wares, or merchandise previously obtained or derived from a sale by referee in bankruptcy, a receiver or an assignee for the benefit of creditors. Any sale advertised specifically or in substance to be, an "adjustment" sale, "creditor's" sale, "assignee's" sale, "adjuster's" sale, "must-vacate" sale, "quitting-business" sale, "receiver's" sale, "loss-of-lease" sale, "forced-out-of-business" sale, "removal" sale, or "liquidating" sale, shall be deemed a close-out sale within the meaning of this code, unless proven otherwise by the person conducting same. Any sale advertising specifically or in substance to be a "fire" sale or a sale of smoke-or-water damaged goods shall be deemed a close-out sale within the meaning of this code when such sale is not conducted by the person suffering the loss as the result of such damage.

(2) No person, whether as owner, employee or agent, shall continue in business for more than 90 days after the commencement of a close-out sale.

(3) No person, whether as owner, employee, or agent, shall conduct or engage in any business or in any trade at the same location where a close-out sale has been conducted less than one year previously:

(a) If such business or trade is conducted under the same marketing procedure as in the said category of business as the business or trade conducted at the time of the close-out sale as defined or listed in the most recent Department of Commerce Business Census report forms; and

(b) If such person was the owner or operators of the business or trade at the time of the close-out sale.

(4) Any person who violates this section, or who by fraud or misrepresentation aids another person in violating this section, shall be guilty of a violation.

[Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000.]

8.900 Penalties, Collection.

(1) Violation of any provision of chapter 8 of this code shall be a violation. Every day in which the violation is caused or permitted to exist constitutes a separate violation. The violation penalty is in addition to any other penalty interest or charge imposed by this code.

(2) Delinquent taxes and fees, penalty and interest imposed by chapter 8 of this code, except the violation penalty, may be collected in a civil action.

(3) When all or part of a section or provision of Chapter 8, Code of Medford, is repealed by Ordinance No. 5110, the code provision repealed remains in force for the purpose of collecting delinquent taxes or imposing penalties for non-payment of taxes due and owing for fiscal 1983-84

and prior years and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person who violated the code provision before the effective date of the repealing ordinance.

[Amd. Sec. 5, Ord. No. 2000-55, April 6, 2000.]

COMPETITIVE FRANCHISE APPLICATION RULE – LOCAL RULE

8.1000 Title and Application.

These code sections shall be known as City of Medford Competitive Franchise Application Rule - Local Rule (CFAR-LR). Any application for a cable franchise agreement submitted to the City pursuant to 47 CFR §76.41 shall contain the requisite information set forth herein. The City shall evaluate applications and grant franchise licenses on the criteria set forth herein.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1001 Definitions.

As used in this CFAR-LR, definitions shall be as follows:

(1) “Affiliated Entity” or “Affiliate” means any entity having ownership or control in common with the Grantee, in whole or in part, including, without limitation, Grantee’s Parent Corporations and any subsidiaries or affiliates of such Parent Corporations.

(2) “Applicant” or “Applicant” means an applicant for a cable franchise pursuant to the provisions of the Competitive Franchise Application Rule (“CFAR”) set forth in Part 76 of Title 47 of the Code of Federal Regulations, §76.41, and includes the Parent Corporation, its subsidiaries and Principals.

(3) “City Manager” means the City Manager or his or her designee.

(4) “Control” is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

(5) “Interest” includes officers, directors and shareholders owning five percent or more of the Applicant’s outstanding stock or any equivalent voting interest of a partnership or joint venture.

(6) “Parent Corporation” includes any entity with ownership or control of the Applicant.

(7) “Principal” includes any person, firm, corporation, partnership, joint venture, affiliates, or other entity, who or which owns or controls five percent or more of the voting stock (or any equivalent voting interest of a partnership or joint venture) of the Applicant.

(8) “Public Way” means any highway, street, road, alley, public right-of-way or public utility easement, including those controlled by the county and the state governments, within the corporate limits of the City now existing and as annexed during the term of this franchise.

(9) “Regulatory Authority” includes any governmental or quasi-governmental organization or entity with jurisdiction over all or any portion of the Applicant or its operations.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1002 Competitive Franchise Application Requirements for CFAR Applications.

(1) Instructions and Definitions.

An Applicant shall include the requisite information set forth below, in writing, in its franchise application, in addition to any information required by 47 CFR §76.41 and applicable state and local

laws and the application fee set by resolution of the City. An Applicant shall also provide any additional information requested by the City that is relevant to the evaluation of the application under the criteria adopted herein and applicable law.

The City shall accept and review only those applications that include complete responses to every element of the information required in this application. Submission of an application that does not include the requisite information set forth below and the application fee shall not commence the time period for granting or denying the application set forth in 47 C.F.R. §76.41(d). If the City requests any additional information from the Applicant, the time period set forth in 47 C.F.R. §76.41(d) shall be tolled from the date the information is requested until the date it is received by the City.

Upon request, the Applicant shall immediately submit additional or updated information as necessary to ensure the requisite information provided is complete and accurate throughout the City's review of the application.

Upon request, the City will promptly provide access to documents or information in its possession or control that are necessary for the completion of this application, provided that the Applicant does not otherwise have access to such documents or information and that such documents or information are subject to disclosure under Oregon public records laws.

For the purposes of this application, the terms, phrases, and their derivations set forth below shall have the meanings given unless the context indicates otherwise. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1003 **Requisite Information.**

All Applications under this ordinance shall contain the following information:

(A) IDENTIFICATION AND OWNERSHIP INFORMATION.

(1) Identification of Applicant and Proposed Franchisee.

(a) State the name, address, telephone number and web site (if applicable) of the Applicant and the proposed franchisee (if different from Applicant).

(b) State the name, address, primary telephone number and primary e-mail address of all individual(s) authorized to represent the Applicant before the City during their consideration of the franchise(s) requested, including the Applicant's primary contact and any additional authorized contacts.

(2) Business Structure.

(a) Corporation:

(i) If Applicant is a corporation, please list all officers and members of the Board of Directors, their principal affiliations and their addresses;

(ii) Attach a certified copy of the Articles of Incorporation and Bylaws of the corporation; and

(iii) State whether the Applicant is directly or indirectly controlled by another corporation or legal entity. If so, attach an explanatory statement and respond

to questions (2)(a)(i) and (ii) above concerning the controlling corporation.

(b) Partnership:

(i) If Applicant is a partnership, please describe the structure of the partnership and the Interests of general and limited partners.

(ii) State whether the Applicant is controlled directly or indirectly by any corporation or other legal entity. If so, respond to (2)(a)(i) – (ii) or (2)(b)(i) above, as applicable, concerning the controlling entity.

(3) Experience

(a) Current Franchises.

List whether the Applicant or any Affiliate owns more than five percent of the system. For each system include name of system, address, communities served, number of subscribers, number of homes passed, date of system award, duration (start and end date) of franchise, status of construction, and percent of penetration of homes passed as of most recently available date (indicate date). Also include name, title, and telephone number of system manager.

(b) Potential Franchises.

List communities where the Applicant or any Affiliate currently has a formal or informal request pending for an initial franchise, the renewal of a franchise, or the approval of a transfer of ownership. Include name of communities, date of application, date of expected action, estimated number of homes.

(4) Management Structure.

Attach a management/organizational chart, showing the management structure of the Applicant. Also, provide a similar chart showing the relationship of the Applicant to all general partners, Parent Corporations, subsidiaries, Affiliates and all other subsidiaries of Parent Corporations, including a brief description of each entity's relationship to the Applicant.

(5) Management Agreement.

State whether there are any management agreements existing or proposed between the Applicant and any Parent Corporation or Affiliate related to construction and operation of the Applicant's planned system. If yes, attach a copy of any such agreement.

(6) Management Fees

List all entities entitled to receive management or other fees for the income produced by the Applicant's planned systems.

Identify amounts or percentages of fees for each such entity.

(B) LEGAL QUALIFICATIONS.

(1) Media Cross-Ownership.

State whether the Applicant or an Affiliate directly or indirectly owns, operates, controls or has an Interest in any of the following, or whether the Applicant holds or operates any company or business operating jointly with any of the following:

(a) A national broadcast television network (such as ABC, CBS or NBC, etc.).

(b) A television broadcast station whose predicted Grade B contour, computed in accordance with Section 73.684 of the FCC's rules, overlaps in whole or in part the

City's service area, or an application for license to operate such a station.

(c) A telecommunications or telephone company whose service area includes any portion of the City's service area. If the response to any of the above is affirmative, state the name of the Applicant or Affiliate, the nature and percentage of ownership or Interest and the company that is owned or in which the Interest is held.

(2) Equal Employment Opportunity and Affirmative Action.

Applicant shall attach any current FCC certification(s) for its existing cable system holdings, if any, or indicate its intention to apply for and abide by same.

(3) Franchise Violations.

State whether the Applicant or any Affiliate been found in violation by a Regulatory Authority or franchising authority of any franchise ordinance or agreement, contract or regulation governing a cable system. If so, identify the judicial or administrative proceeding, giving the date, name of tribunal and result or disposition of that proceeding.

(4) Other Violations.

State whether the Applicant been found in violation by a Regulatory Authority of any other type (e.g. utility) of franchise, ordinance, agreement, permit, contract or regulation. If so, identify the judicial or administrative proceeding, giving the date, name of tribunal and result or disposition of that proceeding.

(C) FINANCIAL QUALIFICATIONS.

(1) For Applicants with existing operations: provide audited financial statements, including statements of income, balance sheets and cash flow statements, together with any notes necessary to the understanding of the financial statements for the last three fiscal years for the Applicant and any Parent Corporation.

(2) For Applicants who are new (start-up) entities: provide pro forma projections for the next five fiscal years, if available, but at a minimum the next three fiscal years from the date of the application.

(D) TECHNICAL QUALIFICATIONS, PLANNED SERVICES AND OPERATIONS.

(1) Describe the Applicant's planned initial and proposed cable services geographic area, including a map and proposed dates for offering service to each area;

(2) If the Applicant has or asserts existing authority to access the public right of way in any of the initial or proposed service areas listed in (D)(1) above, state the basis for such authority or asserted authority and attach the relevant agreements or other documentation of such authority;

(3) Describe with particularity the Applicant's planned residential Cable services, including basic cable services, cable programming service tier, and any additional pay-per-view, on-demand or digital services; and the projected rates for each category or tier or service;

(4) Describe with particularity the Applicant's planned system technical design, upstream and downstream capacity and speed, provision for analog or digital services or packages, distribution of fiber, and planned count of households per residential node;

(5) Describe with particularity the Applicant's planned non-residential cable services;

(6) Describe the Applicant's planned construction and extension or phase schedule, as applicable, including system extension plans or policy; describe current status of the

Applicant's existing or proposed arrangements with area utilities, including pole attachments, vault, or conduit sharing agreements as applicable;

(7) Describe the Applicant's plan to ensure that the safety, functioning and appearance of property and convenience and safety of other persons not be adversely affected by installation or construction of the Applicant's facilities, and that property owners are justly compensated for any damages caused by the installation, construction, operation or removal of the facilities; also state the proposed allocation of costs of installation, construction, operation or removal of facilities between the Applicant and the subscriber;

(8) Describe the availability and cost of a device to enable a subscriber to block obscene or indecent programming; and

(9) Describe the Applicant's plan to comply with the subscriber privacy protections set forth in 47 U.S.C. §551.

(E) PROPOSED FRANCHISE TERMS.

State the franchise terms proposed by the Applicant for each of the following:

(1) Term (Duration) of Franchise (not to exceed 20 years);

(2) With respect to PEG:

(a) PEG access, including channel capacity, programming, a description of proposed services, facilities and equipment, and the Applicant's plan for interconnections with existing PEG facilities and designated PEG providers in existing CITY cable franchise areas to provide PEG programming of adequate technical quality; and

(b) PEG capital support;

(3) With respect to Institutional Networks:

(a) Capacity and services to be provided, including a description of the network and equipment to be installed, activated, maintained or interconnected with existing institutional networks, potential sites to be served, and proposed technical means of interconnection, where applicable; and

(b) Institutional network capital support;

(4) Franchise fee payments, including a statement of all planned categories of cable revenue included in "gross revenues" for purposes of the fee (or a detailed description of the fee base if not based on gross revenues), and any proposed limitation on the City's access to relevant books and records to verify timely and accurate payment;

(5) Amount of insurance coverage planned for Applicant operations, services and activities on behalf of the City; the scope of the coverage; and the length of time the policy is planned to be effective;

(6) Amount of performance bond in favor of the City to ensure the Applicant observes, fulfills and performs each term and condition of the franchise; any limitations on the exercise of the bond; and length of time the bond is planned to be effective;

(7) Terms of indemnity to be provided to the City;

(8) Existing Public Way authority, if any, and terms of use of the Public Way in the City;

(9) Technical and operational standards, including performance testing and appropriate sanctions for failure to meet standards; and

(10) Customer service and consumer protection standards or policies, including but not

limited to telephone, billing and repair response times, customer service representative (CSR) ratio to subscriber base, the method of evaluating the adequacy of customer service, reporting procedures and penalties for failure to meet standards.

For each item listed above, the Applicant shall provide a summary with sufficient detail to demonstrate the manner in which each term proposed by the Applicant compares to corollary or reasonably related terms in any cable franchise currently in effect in the City, the most recent needs ascertainment conducted by or on behalf of the City, and local customer service standards.

(F) MISCELLANEOUS PROVISIONS.

(1) State whether the Applicant contemplates the provision of any cable services on its system under an Open Video Systems (“OVS”) regulatory regime, within the meaning of Section 653 of the 1934 Communications Act (47 U.S.C. §573).

(2) Provide a short narrative describing the Applicant’s experience in and plans for providing Equal Employment Opportunity, Affirmative Action and Minority Business Enterprise utilization.

(3) Provide a short narrative describing the Applicant’s experience in and/or goals for satisfactory cable subscriber customer service.

(4) Explain how the Applicant is competitive.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1004 Affidavit of Applicant.

Each application shall be accompanied by an affidavit substantially in the form set forth below:

(1) This application of the Applicant is submitted by the undersigned who has been duly authorized to make the representations within on behalf of the Applicant and certifies the representations are true and correct.

(2) The Applicant recognizes that all representations are binding on it and that material misrepresentations or omissions, or failure to adhere to any such representation may result in a denial of a CFAR franchise application by the City.

(3) Consent is hereby given to the City, its officers, employees, representatives and agents to make inquiry into the legal, character, technical, financial and other qualifications of the Applicant by contacting any persons or organizations named herein as references, or by any other appropriate means.

(4) The Applicant recognizes that information submitted is open to public inspection and subject to the Oregon Public Records Law.

City has advised the Applicant to be familiar with the Oregon Public Records Law, and the Applicant has specifically identified any information it considers proprietary.

(5) In the event that the City receives a request from another party to disclose any information which the Applicant has deemed proprietary, the City will tender to the Applicant the defense of any request to compel disclosure.

(6) By submitting information which the Applicant deems proprietary or otherwise exempt from disclosure, the Applicant agrees to defend and hold harmless the City from any claim for disclosure including but not limited to any expenses including out-of-pocket costs and attorneys’ fees, as well

as any judgment entered against the City for the costs and fees including attorney fees of the party requesting disclosure.

All Affidavits shall bear the notarized signature of Applicant's authorized representative.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1005 Application Fee.

The City shall, by resolution, set an application fee sufficient to cover the reasonable cost of processing applications under this CFAR-LR.

Upon request of the Applicant, the City may reduce or waive the application fee. In evaluating such a request, the City will consider the following factors: (1) the size of the proposed franchise area; (2) the number of potential subscribers in the proposed franchise area; (3) the financial hardship to the Applicant (including any parent corporation or affiliate); and (4) other information relevant to the cost of processing the application and/or the Applicant's ability to pay the fee.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

8.1006 Review Process.

(1) Acceptance of Application.

Within 5 business days of receipt of an application, the City Manager shall review the application to ensure all requisite information is included in the application.

(A) If the application is not complete, staff will immediately notify the Applicant in writing, listing the requisite information that is required to complete the application and notifying the Applicant that the time period for granting or denying the application set forth in 47 C.F.R. § 76.41(d) will not begin to run until such information is received.

(B) If the application is complete, the City Manager will immediately notify the Applicant in writing that all requisite information has been received.

(2) Review.

City Manager shall review all completed applications based on the review criteria set forth herein. If, during the review of an application, staff requires additional information from the Applicant, staff will promptly request the information from the Applicant, in writing, along with a notification that the time period for granting or denying the application set forth in 47 C.F.R. § 76.41(d) will be tolled until such information is received by the City. After completing the review, City Manager shall provide an analysis of the application to the City Council.

(3) Public Hearing.

The City shall hold a public hearing affording participants a process substantially equivalent to that required by 47 U.S.C. §546(c)(2) governing renewal of cable franchises.

(4) Review Criteria.

The City Manager may recommend to the City deny and City may deny an application if, based on the information provided in the application, at the public hearing and/or any terms of a proposed franchise agreement:

(A) The Applicant does not have the financial, technical, or legal qualifications to provide cable service;

(B) The Applicant will not provide adequate public, educational, and governmental access channel capacity, facilities, or financial support, as evidenced by the most recent needs

ascertainment conducted by or on behalf of the City, or other relevant study of community needs; or

(C) The Applicant's proposed terms do not comply with applicable federal, state and local laws and regulations including, but not limited to, local customer service standards, or relevant existing contractual obligations of the City.

[Added, Sec. 4, Ord. No. 2007-78, April 19, 2007.]

ECONOMIC IMPROVEMENT DISTRICTS

8.2000 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

[Added, Sec. 1, Ord. No. 2013-105, July 11, 2013.]

8.2001 Definitions.

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

A. "**Advisory Committee**" means as allowed by ORS 223.119, a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.

B. "**Economic Improvement**" means:

1. The planning or management of development or improvement activities.
2. Landscaping, maintenance and provision of security for public areas.
3. The promotion of commercial activity or public events.
4. The conduct of activities in support of business recruitment and development.
5. The provision of improvements in parking systems or parking enforcement.
6. Any other economic improvement activity that specially benefits property.

C. "**Preliminary Economic Improvement Plan**" means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:

1. A description of economic improvements proposed to be carried out;
2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;

5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District; and
7. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

D. "**Final Economic Improvement Plan**" means a plan setting out:

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties; and
6. The cost of City administration of the Economic Improvement District.

E. "**Lot**" means a lot, block, or parcel or land.

F. "**Owner**" means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.

G. "**Subject Properties**" means the real property within an Economic Improvement District except for Exempt Property.

H. "**Exempt Property**" means:

1. Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, "residential real property" and "residential purposes" shall not include hotels and hotel uses, as defined in this Code, and motels and motel uses, as defined in this Code regarding Transient Lodging Taxes.
2. Property owned or being purchased by religious organizations.
3. Parking Lots.

[Added, Sec. 2, Ord. No. 2013-105, July 11, 2013.]

8.2002 **Council Control.**

If the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

[Added, Sec. 3, Ord. No. 2013-105, July 11, 2013.]

8.2003 **State Statutes Apply.**

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City

and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

[Added, Sec. 4, Ord. No. 2013-105, July 11, 2013.]

8.2004 Preliminary Institution of Economic Improvement District.

A. The Council may consider creation of an Economic Improvement District whenever owners of Subject Properties file with the City Manager a petition for the establishment of a District or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

B. The Council may adopt a resolution directing the City Manager to begin the Economic Improvement District formation process if the Council finds that the economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.

[Added, Sec. 5, Ord. No. 2013-105, July 11, 2013.]

8.2005 Final Plan and Ordinance Preparation.

A. Immediately following Council adoption of a resolution under Section 8.2004(B), the City Manager shall prepare for the City Council a report including but not limited to:

1. Ownership of properties in the district;
2. Status of payments of taxes and city liens and other fees and charges;
3. A proposed Final Economic Improvement Plan; and
4. Recommendations of the Advisory Committee.

B. The report also shall be accompanied by a proposed ordinance that:

1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
2. States whether the assessments will be mandatory or voluntary;
3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
4. Directs notice to be given in the manner provided by Section 8.2007.

[Added, Sec. 6, Ord. No. 2013-105, July 11, 2013; Amd. Ord. No. 2013-129, Sept. 5, 2013.]

8.2006 Consideration of Final Plan and Ordinance.

On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

[Added, Sec. 7, Ord. No. 2013-105, July 11, 2013.]

8.2007 Notice to Owners.

A. Following adoption of the ordinance under Section 8.2006, the City Manager shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:

1. The Council's intent to form an Economic Improvement District;

2. Assessment on benefitted properties;
3. The formula for determining the assessment;
4. The scope of the improvements and the description of the district boundaries;
5. The estimated cost of the proposal and that it may be reduced to the amount of money actually received;
6. The classification or types of properties which are exempt;
7. The proposed final plan is on file with the City Manager and may be viewed at City Hall or online if available online;
8. The date, time and place of the hearing
9. The proposal can be modified as a result of public testimony;
10. If owners of property upon which greater than thirty-three percent (33%) of the total amount of the assessment is levied oppose creation of the District, then the District shall not be formed and the assessment shall not be made; and
11. Any owner who fails to submit written objection to the formation of the district or the classification of its property before or at the public hearing on assessment shall have waived challenges to the classification.

[Added, Sec. 8, Ord. No. 2013-105, July 11, 2013.]

8.2008 Hearing, Exemption Process and Resolution Establishing District.

A. The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice.

B. At the public hearing on consideration of the District ordinance, City Council shall hear objections to the formation of the district, and objections to classification of property for assessment.

C. Objections to Formation of District. If owners of property upon which greater than thirty-three percent (33%) of the total amount of the assessment is levied oppose creation of the District, then the District shall not be formed and the assessment shall not be made.

D. Objections to Classification for Assessment. Property owners who file objections to classification of exemption shall have the burden of proving their property is exempt from the assessment. The City Manager shall present the City's case for the classification. Decisions of City Council with respect to assessment classification are final.

E. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.

F. If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

[Added, Sec. 9, Ord. No. 2013-105, July 11, 2013.]

8.2009 Preparation and Notice of Assessments.

A. Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the City Manager shall prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

B. Following preparation of the proposed assessments, the City Manager shall mail to the owner of each lot to be assessed a notice containing the following information:

1. The description of the property being assessed.
2. The name of the District.
3. The duration of the assessment (life of the District) and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
4. If owners of property upon which greater than thirty-three percent (33%) of the total amount of the assessment is levied oppose creation of the District, then the District shall not be formed and the assessment shall not be made; and
5. Testimony shall be taken on the scope of improvements, estimated cost of proposal, total assessment, and formation of the district.
6. The time, date and place of the hearing;
7. Written objections may be filed with the City Manager prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
8. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have waived challenge to assessment;
9. The assessment is due and payable immediately, and that it may be paid in quarterly-annual installments. The amount of interest if any and the fact there will be billing charges. Failure to pay could result in collection and judicial action.
10. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
11. The name and phone number of a City staff person who can answer questions.

[Added, Sec. 10, Ord. No. 2013-105, July 11, 2013.]

8.2010 Hearing on Assessments.

A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.

B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the City Manager prior to commencement of the hearing.

C. If the Council at the hearing receives written objections to the formation of the District from

owners of property upon which more than thirty-three percent (33%) of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.

D. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard. The Council shall consider any objections and may adopt, correct, modify, or revise the proposed assessment ordinance.

E. Council may adopt an ordinance approving the assessment. Council may change the assessment if it finds that the assessment exceeds the benefit of the improvements. Notwithstanding the adoption of an ordinance to create the District, the scope of improvements may change to correspond to money collected.

[Added, Sec. 11, Ord. No. 2013-105, July 11, 2013.]

8.2011 Assessments.

A. The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.

B. Any new owner of benefitted property or any owner of benefitted property that was exempted from assessment may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.

C. The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

[Added, Sec. 12, Ord. No. 2013-105, July 11, 2013.]

8.2012 Limitation on Boundaries.

The Council shall include within the Economic Improvement District only City-owned property that is zoned for commercial or industrial use.

[Added, Sec. 13, Ord. No. 2013-105, July 11, 2013.]

8.2013 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan.

[Added, Sec. 14, Ord. No. 2013-105, July 11, 2013.]

8.2014 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan. City may transfer by interfund loan money into and out of fund established for Economic Improvement District.

[Added, Sec. 15, Ord. No. 2013-105, July 11, 2013.]

8.2015 Administration.

The City Manager shall be responsible for administration of the economic improvements to be carried out. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with an Advisory Committee to provide all or part of the economic improvements described in the final economic improvement plan. In that event, the Manager and the Advisory Committee shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;
- C. A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D. A description of any liability to be born and insurance to be provided by the contractor; and
- E. A description of the rights of the City to terminate the contract prior to its completion.

[Added, Sec. 16, Ord. No. 2013-105, July 11, 2013.]

8.2016 Cost of Administration.

The cost of City administration of an Economic Improvement District shall be five per cent (5%), which is an estimation of the actual cost of administrative services provided by the City related to the District.

[Added, Sec. 17, Ord. No. 2013-105, July 11, 2013.]

8.2017 Surplus upon Termination of District.

Following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, if there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A. The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B. Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent;
- C. Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A; or
- D. Continuation of the Life of the District.

[Added, Sec. 18, Ord. No. 2013-105, July 11, 2013.]

8.2018 Continuation of Assessments Extending the Life of the District.

If the Council determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 8.2007 through 8.2010.

[Added, Sec. 19, Ord. No. 2013-105, July 11, 2013.]

8.2019 Entry and Collection of Assessments.

A. On adoption of an assessment ordinance under Section 8.2010(E), the City Recorder shall file the assessment for each lot in the Finance Department. The Finance Department shall treat each assessment as an account payable. Payments are subject to penalties and interest as for operators under section 8.808 of the Municipal Code. Failure to pay may result in collections and judicial action.

B. The assessments may be paid in quarterly-annual payments.

[Added, Sec. 20, Ord. No. 2013-105, July 11, 2013.]

TAX ON MARIJUANA BUSINESSES

8.3000 [Repealed, Sec 1, Ord. No. 2016-11, Jan. 21, 2016.]

8.3001 [Repealed, Sec. 2, Ord. No. 2016-11, Jan. 21, 2016.]

8.3002 [Repealed, Sec. 3, Ord. No. 2016-11, Jan. 21, 2016]

8.3003 [Repealed, Sec. 4, Ord. No. 2016-11, Jan. 21, 2016.]

8.3004 [Repealed, Sec. 5, Ord. No. 2016-11, Jan. 21, 2016.]

8.3005 [Repealed, Sec. 6, Ord. No. 2016-11, Jan. 21, 2016.]

8.3006 [Repealed, Sec. 7, Ord. No. 2016-11, Jan. 21, 2016.]

8.3007 [Repealed, Sec. 8, Ord. No. 2016-11, Jan. 21, 2016.]

8.3008 [Repealed, Sec. 9, Ord. No. 2016-11, Jan. 21, 2016.]

8.3009 [Repealed, Sec. 10, Ord. No. 2016-11, Jan. 21, 2016.]

8.3100 Definitions.

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

“Marijuana retailer” means a person who sells marijuana items to a consumer in this state.

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

[Added Sec. 1. Ord. No. 2016-148, Dec. 15, 2016.]

8.3105 Tax Imposed.

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

[Added Sec. 2. Ord. No. 2016-148, Dec. 15, 2016.]

8.3110 Collection.

(1) The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. The tax collected by a marijuana retailer constitutes a debt owing to the City, and is due and payable to the City's Chief Financial Officer on a monthly basis on or before the last day of the month immediately following for the preceding month.

(2) A marijuana retailer shall make a return to the Chief Financial Officer, on forms provided by the City, specifying the total sales and the amount of tax collected. At the time the return is filed, the full amount of the tax collected shall be remitted. For good cause shown, the Chief Financial Officer may extend the time for filing a return or paying the tax for not more than one (1) month. Any further extension may be granted only by the Council.

[Added Sec. 3, Ord. No. 2016-148, Dec. 15, 2016.]

8.3115 Alternative Collection Method; Penalties and Enforcement; Conflict of Laws.

(1) Pursuant to ORS 305.620, the Chief Financial Officer may enter into an intergovernmental agreement with the Oregon Department of Revenue to collect the 3 percent tax imposed under section 8.3105. Excepting sections 8.3120(2) and 8.3140 the terms and conditions of the IGA shall apply in lieu of this Ordinance.

(2) If the Chief Financial Officer enters into an intergovernmental agreement pursuant to this section, the provisions of ORS 475B.710, ORS 475B.715, and ORS 475B.755 shall apply to every marijuana retailer subject to this Ordinance.

(3) In the event of any conflict between the provisions of this Ordinance and the provisions of the intergovernmental agreement, the provisions of the intergovernmental agreement shall apply.

[Added Sec. 4, Ord. No. 2016-148, Dec. 15, 2016.]

8.3120 Administration and Enforcement.

(1) The Chief Financial Officer shall enforce the provisions of this Ordinance and shall have the power to adopt rules and regulations not inconsistent with this Ordinance as may be necessary to aid in its enforcement.

(2) Every Marijuana Retailer shall keep complete and accurate electronic records in an accounting format established by the Chief Financial Officer relating to the sale of marijuana items. All records shall be kept for a period of five (5) years. The Chief Financial Officer shall have the right to inspect such records at all reasonable times.

(3) If an extension is granted, a Marijuana Retailer shall pay interest at the rate of three (3) percent per month on the amount of the tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid in full by the end of the extension period, the interest shall become part of the tax for computation of penalties prescribed in section 8.3125.

[Added Sec. 5, Ord. No. 2016-148, Dec. 15, 2016.]

8.3125 Penalties & Interest.

(1) Any Marijuana Retailer that fails to remit any portion of the tax imposed within the time required shall pay a penalty of ten (10) percent of the amount of the tax.

(2) Any Marijuana Retailer that fails to remit any delinquent remittance on or before a period of sixty days following the date on which the remittance became delinquent shall pay a second delinquency penalty of fifteen (15) percent of the amount of the tax, in addition to the amount of the tax and penalty first imposed.

(3) If the Chief Financial Officer determines that the nonpayment of any remittance due under this Ordinance is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto, in addition to the penalties stated in subsection 8.3125(1) & 8.3125(2), if applicable.

(4) In addition to the penalties imposed, any Marijuana Retailer that fails to remit any tax imposed shall pay interest at the rate of one (1) percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(5) Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

[Added Sec. 6, Ord. No. 2016-148, Dec. 15, 2016.]

8.3130 Appeal.

Any Marijuana Retailer aggrieved by any decision of the Chief Financial Officer with respect to the amount of tax imposed or interest and penalties may appeal to the Council by filing a notice of appeal using the Uniform Appeal and Hearing Procedure set out at section 1.025 of the Code.

[Added Sec. 7, Ord. No. 2016-148, Dec. 15, 2016.]

8.3135 Actions to Collect.

(1) Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the city in the courts of this state, another state or the United States to collect the amount delinquent and penalties and interest.

(2) In lieu of filing an action for the recovery, the City may submit any outstanding tax to a collection agency if such taxes are more than thirty (30) days delinquent. So long as the City has complied with ORS 697.105, the City may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty (50) dollars or fifty (50) percent of the outstanding tax, penalties and interest owing.

[Added Sec. 8, Ord. No. 2016-148, Dec. 15, 2016.]

8.3140 Violation of Ordinance.

(1) Violation of a provision of this Ordinance constitutes a violation punishable by a fine as set forth in section 1.100 of the Code. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

(2) Notwithstanding section 8.3140(1), violation of section 8.3125(3) constitutes a crime, and shall be punishable as set forth in section 5.990(1) of the Code.

(3) The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law.

[Added Sec. 9, Ord. No. 2016-148, Dec. 15, 2016.]

8.3145 Severability.

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

[Added Sec. 10, Ord. No. 2016-148, Dec. 15, 2016.]

BAN ON POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE

8.4000 Definitions.

As used in Sections 8.4000 through 8.4002, the following mean:

A. "Food vendor" includes, but is not limited to, shops, sales outlets, restaurants, bars, pubs, coffee shops, cafeterias, caterers, convenience stores, liquor stores, grocery stores, supermarkets, delicatessens, non-profit organizations, mobile food trucks, vehicles or carts, and roadside stands.

B. "Provide" includes, but is not limited to, active serving, giving away, selling, delivering, packaging, and providing.

C. "Prepared foods" includes, but is not limited to, food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, and otherwise prepared on the premises. "Prepared foods" do not encompass (1) any raw meat product unless it can be consumed without any further preparation; or (2) pre-packaged food that is delivered to the food vendor wholly encased, contained, or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

D. "Polystyrene foam" is a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer beads (expandable bead polystyrene), injection molding, form molding, an extrusion blown molding (extruded from polystyrene).

E. "Disposable service ware" is a single-use disposable product used by the food vendor for serving prepared food that includes, but is not limited to, plates, trays, bowls, cups, lids, straws, utensils, and hinged or lidded containers (clamshells).

[Added, Sec. 1, Ord. No. 2015-11, Feb. 5, 2015.]

8.4001 Prohibition.

No food vendor shall provide prepared food in polystyrene foam.

[Added, Sec. 2, Ord. No. 2015-11, Feb. 5, 2015.]

8.4002 Exceptions.

The food vendor must demonstrate both of the following to qualify for a financial hardship exemption:

- (1) a gross income under \$300,000 on its tax filing for the most recent tax year; and
- (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than polystyrene foam disposable food service ware.

[Added, Sec. 3, Ord. No. 2015-11, Feb. 5, 2015.]