

Chapter 7

BUSINESS

BUSINESS LICENSES

- 7.000 Definitions.
- 7.005 Necessity of License--
Exemptions.
- 7.010 Exemption of Certain
Residential Builders.
- 7.015 Disposition of Proceeds.
- 7.020 Presumption of Engaging in
Business.
- 7.025 License Required.
- 7.030 License Application.
- 7.035 Examination of Business
Premises.
- 7.040 Suspension or Issuance--
Public Hearings.
- 7.045 Suspension or Revocation--
Effect.
- 7.050 Rehearing.
- 7.055 Issuance of Business License.
- 7.060 Effect of License Issuance.
- 7.065 Separate License for
Separate Locations.
- 7.070 Display of Business License.
- 7.075 Business License Year, Fee
Schedule, Payments and
Delinquency Charges.
- 7.080 Transfer, Assignment or
Refund of Business License.

- 7.135 Issuance and Renewal of
Permit to Entertain in or be
Employed by an Adult
Business.
- 7.140 Revocation or Suspension of
Permit.
- 7.145 Appeals.
- 7.150 Duties of Adult Business
Permit Holder.
- 7.155 Prohibited Conduct in Adult
Business.
- 7.160 Advertising Restrictions.
- 7.165 Hours of Operation.
- 7.170 Exterior Design Restrictions.
- 7.175 Maintenance of Premises in
Violation Declared a
Nuisance--Abatement.
- 7.180 Inspection of Premises.
- 7.185 Penalty.

ALARM SYSTEMS

ADULT BUSINESSES

- 7.100 Purpose.
- 7.105 Definitions.
- 7.110 Permits Required.
- 7.115 Fees.
- 7.120 Application for Adult Business
Permit.
- 7.125 Application to Entertain in or
be Employed by an Adult
Business.
- 7.130 Issuance and Renewal of
Adult Business Permit.
- 7.200 Purpose and Scope.
- 7.205 Definitions.
- 7.210 Alarm User's Permit Required.
- 7.215 User Instructions.
- 7.220 Automatic Dialing Device--
Certain Interconnections
Prohibited.
- 7.225 False Alarms--Permit
Revocation.
- 7.230 False Alarm--Fee.
- 7.235 Confidentiality Statistics.
- 7.240 Allocation of Revenues and
Expenses.
- 7.245 City Liability.
- 7.250 Enforcement.

West Linn Code

**HANDGUN PURCHASE
BACKGROUND INVESTIGATION FEE**

- 7.275 Processing Fee.
- 7.280 Fee Classification.
- 7.285 Penalty.

**REGULATING DOOR-TO-DOOR
SOLICITATIONS**

- 7.300 Purpose.
- 7.305 Definition.
- 7.310 Prohibited Acts, Penalties.
- 7.315 Consent to Enter Onto Real Property, Exemption.
- 7.335 No Solicitation Sign.

SOCIAL GAMING

- 7.375 Prohibited Gaming.
- 7.380 Exceptions.
- 7.385 Definitions.

**BUSINESS PRIVILEGE TAX--
NATURAL GAS SUPPLIERS**

- 7.400 - 7.445 [Deleted]

PUBLIC UTILITIES PRIVILEGE TAX

- 7.500 Authority.
- 7.505 Tax Imposed.
- 7.510 Methodology for Calculation.
- 7.515 Tax Collection.
- 7.520 Effective Date.
- 7.525 Classification of Tax.

**CABLE TELEVISION--
FRANCHISE REGULATIONS**

- 7.600 Definitions.
- 7.605 Authority.
- 7.610 Grant of Franchise, Renewal.
- 7.615 Administration of Cable Communications Provisions and Franchise.
- 7.620 Intergovernmental Agreements.
- 7.625 Violation and Penalties.

- 7.630 Cumulative Remedies.
- 7.635 Injunctive Relief.

LIQUOR LICENSE REVIEW

- 7.700 Purpose.
- 7.705 Scope of Provisions.
- 7.710 Definitions.
- 7.715 Notice of Application Required.
- 7.717 Renewal Fee.
- 7.720 City Manager's Duties.
- 7.725 Hearing Procedure.
- 7.730 Applicant Notice.
- 7.735 Public Notice.
- 7.740 Standards and Criteria.

PUBLIC TELEPHONE BOOTHS

- 7.750 Permit Grant.
- 7.755 Indemnification of City.
- 7.760 Filing of Acceptance.

SPECIAL EVENT PERMITS

- 7.800 Definitions.
- 7.810 Permit Required.
- 7.820 Action on Application.
- 7.830 Grounds for Denial of Application for a Fairs, Festivals and Special Event Permit - Imposition of Conditions.
- 7.840 Permit Conditions.
- 7.850 Permit Issuance.
- 7.860 Appeal Procedure.
- 7.870 Cleanup Deposits for Certain Special Events.

CITY SPONSORSHIP OF EVENTS

- 7.900 City Sponsorship of Events.
- 7.910 Support by City of Sponsored Events.
- 7.920 Sponsorship Policy and Agreements.

Chapter 7

BUSINESS

BUSINESS LICENSES

7.000 Definitions. As used in sections 7.000 to 7.080, the following words and phrases shall have the meanings given to them in this section:

Business. Any trade, profession, occupation or pursuit of every kind conducted in the city for gain, with the exception of garage sales.

Apartment house. A building, portion of a building, or a group of buildings on a parcel of land within the city containing two or more dwelling units that are rented, leased, let or made available for compensation for sleeping or living purposes. The term "apartment house" includes a hotel or motel, automobile or tourist court, rooming or lodging house, and mobile home or trailer park. In the case of mobile homes or trailer parks, the term dwelling units means space or stall.

Dwelling units. Each apartment house dwelling unit occupied or available for occupancy, except that an owner-occupied dwelling unit shall not be included in a business license fee computation.

Employee. The number of full-time equivalent (FTE) people directly employed by the business. A factor of 1,920 working hours, or fraction thereof, shall equal one FTE employee.

7.005 Necessity of License--Exemptions.

In order that business, manufacturing, pursuits, professions, and trade be carried on and conducted in the city in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the city provide police protection, fire protection, street maintenance, street lighting and other services. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in such regulation and in defraying the cost of such police and fire protection and costs of other municipal services. No person whose income consists

of salary or wage paid to such person by an employer or agent thereof covered and defined by sections 7.000 to 7.080, and no person working as a domestic in a private home shall be deemed to be transacting or carrying on business in the city; provided, however, that if any person, as defined herein, fails to pay the license fee and such person has neither his residence nor place of business in the city, but carries on business in the city, the agents or employees of such person engaged in business in the city shall be liable for the payment of such license fee and delinquency charges and/or penalties imposed for failure to comply with sections 7.000 to 7.080.

7.010 Exemption of Certain Residential Builders.

Residential builders as defined by ORS 701.055 who have a valid builder's business license issued by the metropolitan service district and who neither have an office within the city and has not derived gross receipts of \$100,000 or more from business conducted within the city during the calendar year for which the builder's business license is issued shall not be required to pay a business license fee as required by sections 7.000 to 7.080.

7.015 Disposition of Proceeds.

All money received from licenses issued hereunder shall be deposited in the general fund.

7.020 Presumption of Engaging in Business.

Any person that advertises or otherwise holds himself out to the public as engaged in any business, profession, trade, or calling for which a license is required, shall be conclusively presumed as holding himself out to the public as so engaged, and shall pay such license fee as required by sections 7.000 to 7.080.

7.025 License Required.

No person shall carry on any business within the city

without first obtaining a license therefor and without complying with the provisions of sections 7.000 to 7.080.

7.030 License Application.

(1) On or before July 1st, all persons engaging in business within the city shall file an application for annual renewal of the license required by sections 7.000 to 7.080. Any new business that is not in operation on or before July 1st which desires to conduct business within the city shall make application for a license before engaging in any business activity.

(2) Application for a business license shall be made to the city's finance director upon forms provided by the city.

(3) The application for a business license shall include advance payment of the appropriate license fee and delinquency charges if any.

7.035 Examination of Business Premises.

(1) The chief of police, chief of the fire department, building official, and/or their agents and subordinates are authorized to investigate and examine all places of business licensed or subject to license under the terms of sections 7.000 to 7.080 at any time and all reasonable times for the purpose of determining whether such place of business is safe, sanitary and suitable for the business so licensed or for which application for license is made. However, before entering upon private property, the city official shall obtain the consent of an occupant or a warrant of the municipal court authorizing entry for the purpose of inspection, except when an emergency exists.

(2) No warrant shall be issued under the terms of sections 7.000 to 7.080 until an affidavit has been filed with the municipal court, showing probable cause for the inspection, by stating the purpose and extent of the proposed inspection, citing sections 7.000 to 7.080 as the basis for the inspection, whether it is an inspection instituted by complaint, and other specific or general information concerning the business in question.

(3) No person shall interfere with or attempt to prevent a city official from entering

upon private premises and inspecting any business when an emergency exists or the city official exhibits a warrant authorizing entry.

(4) In the event it is determined by the city official that the place of business is dangerous to public health, safety, welfare, or is likely to become or is at that time, a menace or public nuisance, a report of the determination and the reasons therefore shall be made in writing to the city council.

(5) The city council, upon receipt of the written report, shall direct the city manager to send by registered mail to the concerned business notification of a public hearing to be held before the city council. The purpose of the hearing shall be to determine whether the concerned business shall be permitted to receive a city business license or, if the concerned business has already been issued a city business license, whether the license should be suspended or revoked by the city council. The notification to the concerned business shall set forth the time and place of the public hearing and will cite specific incidents which constitute the basis for the determination by the city official, that the concerned business is dangerous to either public health, safety, welfare, or is likely to become or is at the present time, a public menace or nuisance.

7.040 Suspension or Issuance--Public Hearings.

Public hearing for the purpose of determining whether a business license should be issued or, if previously issued, whether it should be suspended or revoked shall be conducted as a quasi-judicial proceeding before the city council. Evidence or testimony shall be received and considered by the city council only when such evidence or testimony is relevant to the cited incidents or offenses contained in the notification to the concerned business. If the city council determines that all or a portion of the incidents or offenses set out in the notification to the concerned business are supported by substantial evidence, the city council may refuse to issue a business license to the concerned business, or if a business license has previously been issued, may suspend or revoke such license.

7.045 Suspension or Revocation--Effect.

If a business license is suspended or revoked, the concerned business shall immediately cease conducting any and all businesses within the city. Any business which continues to conduct business within the city subsequent to action by the city council to suspend or revoke the city license for such business shall be subject to the same fine and penalties as if such a business had never obtained a city business license and was carrying on business within the city without such a business license.

7.050 Rehearing.

Any business which has been denied a city business license or has had a city license suspended or revoked by action of the city council under the provisions of sections 7.000 to 7.080, shall have the right of a rehearing before the city council for the purpose of reconsideration of such action of the city council, if in the opinion of the city council, the concerned business has presented substantial new evidence relevant to the refusal of the city to issue a business license or to the suspension or revocation of a previously issued business license. A request for rehearing shall be presented in writing by the concerned business to the city council and shall set out the new evidence that the concerned business seeks to bring before the city council. If the city council grants a rehearing, it will be conducted in the same manner as a public hearing to determine whether a business license should be initially issued or whether if one had previously been issued, if it should be suspended or revoked, except that the only evidence or testimony which the city council shall hear in the rehearing, is that which is relevant or material to the new evidence set forth in the request for rehearing by the concerned business.

7.055 Issuance of Business License.

Upon application being made, any investigation required by sections 7.000 to 7.080, to be made having been satisfactorily completed without a determination by the city officials set out in section 7.035 that the

business is dangerous to public health, safety, welfare, or likely to become or is now a public menace or nuisance, or if such a determination has been so made, and if the city council finds that such determination is not supported by substantial evidence, and if the fee is paid as herein provided, a license shall be issued by the city manager.

7.060 Effect of License Issuance.

The issuing of a license pursuant to sections 7.000 to 7.080 or the collection of a fee shall not permit any person to engage in any unlawful business. The license fee levied and fixed by sections 7.000 to 7.080 shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law. All ordinances of the city in force on the effective date of the ordinance codified in sections 7.000 to 7.080 pertaining to or covering any business, pursuit or occupation, and providing a license or condition for its operation, shall remain in full force and effect; and in the event of a conflict or duplication of a license fee, then such other ordinance shall have precedence over the provisions of sections 7.000 to 7.080, to the extent that there will be no duplication of license fees for the same business, occupation, profession or pursuit.

7.065 Separate License for Separate Locations.

If any person operates a business in the city in more than one location, each location shall be considered a separate business for the purpose of sections 7.000 to 7.080, except the warehouses used in connection with a business shall not be so separately licensed.

7.070 Display of Business License.

All licenses issued in accordance with sections 7.000 to 7.080 shall be openly displayed in the place of business or kept on the person or on the vehicle of the person hereby licensed and shall be immediately produced and delivered for inspection to the chief of police, chief of the fire department, and their agents or subordinates, when requested by such individuals to do so. Failure to carry such license or produce the same on

request shall be deemed a violation of sections 7.000 to 7.080.

7.075 Business License Year, Fee Schedule, Payments and Delinquency Charges.

(1) The business license year shall be the city's fiscal year, July 1st through June 30th.

(2) License fees shall be set by resolution of the council.

(3) The business license fee shall be paid annually in advance of the business license year. If a person begins engaging in business within the first six months (July to December) of the fiscal year, the fee shall be the amount charged for a full year; if a person begins engaging in business during the third quarter (January to March) of the fiscal year, one-half of the annual license fee will be charged for the remainder of the fiscal year; and if a person begins engaging in business during the fourth quarter (April to June) of the fiscal year, one-fourth of the annual license fee will be charged for the remainder of the fiscal year. In situations where a person intentionally engages in business for less than 31 days, one-fourth of the annual fee shall be charged.

(4) The business license fee shall be considered delinquent if not paid by August 1st of the business license year. If a person begins engaging in business after the start of the business license year, the fee shall be considered delinquent if the tax is not paid within 30 days after commencement of the business activity. The date that the business license fee is received by the city or the date of the postmark if remittance is made by mail shall be used in determining when the business license fee is paid.

(5) If the business license fee is not paid on or before the delinquency date, a delinquency charge equal to ten percent of the original business license fee due shall be added for each 30-day period, or fraction thereof, during which the business license fee and any accumulated delinquency charges remain unpaid. The total amount of the delinquency charge for any business license year shall not exceed 100 percent of the business license fee due for the year.

7.080 Transfer, Assignment or Refund of Business License.

(1) No transfer or assignment of any business license issued hereunder shall be valid or permitted except that whenever any person sells or transfers in whole a business for which such license has been paid and not refunded and the operation of the business has not materially changed, then the vendee thereof shall not be required to pay any additional license thereon for the balance of the business license year.

(2) In the event that a person discontinues business activity within the city, the person may be entitled to a prorated refund, based on two-thirds of the paid business license fee. The two-thirds business license fee subject to refund shall be prorated and refunded for each 30-day period remaining in the business license year. Refunds will be made only upon receipt of a written request, signed by both the vendee and the person discontinuing business and a refund check shall be issued within 30 days to the person discontinuing the business.

ADULT BUSINESSES

7.100 Purpose. The purpose of sections 7.100 to 7.185 is to provide for the regulation of certain types of adult business activities that the council finds present an extraordinary risk of being utilized to facilitate and conceal criminal conduct including offenses involving prostitution, controlled substances, theft, gambling, fraud, obscenity and often involving organized, systematic criminal activities. Therefore, sections 7.100 to 7.185 are intended to minimize such risk by providing for the strict regulation of such business activities and by prohibiting those persons who have previously been involved in such criminal conduct from participating in such business activities. In making this determination, the council has specifically considered the impact that such regulations will have upon the competitive nature of such business activities, and finds that the need for such regulations outweighs such impact.

7.105 Definitions. For the purpose of sections 7.100 to 7.185, the following definitions shall apply:

Adult business. The operation of any establishment(s), regardless of whether alcoholic beverages are served or not, to which the public has access, whether or not by purchase of an admission ticket or membership, and which is (are) utilized to present, as a substantial or significant portion of its entertainment, live performances that involve nudity.

Nudity or nude. Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered, and, in the case of a female, exposing to view one or both breasts without a circular covering, centered on the nipple, that is at least three inches in diameter and does not simulate the organ covered.

7.110 Permits Required.

(1) It is a violation of this code for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of any adult business unless a permit for such business has first been obtained from the city manager.

(2) It is a violation of this code for any person to entertain in any adult business or to be employed by any adult business unless a permit for such entertainment or employment has first been obtained from the city manager.

7.115 Fees.

(1) Every applicant for a permit to own, maintain, operate or conduct an adult business shall file an application with the city manager and pay a fee in an amount set by council resolution.

(2) Every applicant for a permit to entertain or be employed by any adult business shall file an application with the city manager and pay a fee in an amount set by council resolution.

7.120 Application for Adult Business Permit.

(1) An application for such an adult business permit shall set forth the following:

(a) Written proof that the applicant is at least eighteen years of age;

(b) Business occupation, or employment for the three years immediately preceding the date of application;

(c) The business license and permit history of the person in operating a business identical to or similar to those regulated by sections 7.100 to 7.185;

(d) Whether such person, previously operating such business in this or any other city or state under any license or permit, has had such license or permit revoked or suspended, the reason(s) therefor, and the business activity or occupation of the person subsequent to such action of suspension or revocation;

(e) The name, address, telephone number, birth date and principal occupation of the applicant and managing agent;

(f) The name, address, and telephone number of business or proposed business and a description of the nature of the business to be operated;

(g) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a partnership, the application shall set forth the names, birth dates, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited, or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the name, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than five percent of the outstanding shares) and the number of shares held by each;

(h) Any criminal convictions, or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, fraud, tax evasion, or racketeering as defined in ORS chapter 166, of each applicant and natural person enumerated in subparagraphs (a) through (g) of this subsection;

(i) All residence addresses for the past three years of each natural person enumerated in subparagraphs (a) through (g) of this subsection;

(j) A personal financial statement of each natural person enumerated in subparagraphs (a) through (g) of this subsection, including the location of all of such persons' bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.

(2) Each applicant and natural person enumerated in subsection (1) of this section shall personally appear before the chief of police, or his designee, for fingerprinting and the taking of photographs.

(3) The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

7.125 Application to Entertain in or be Employed by an Adult Business.

(1) An application for a permit to entertain or work in an adult business shall set forth the following:

(a) Written proof that the applicant is at least eighteen years of age;

(b) The name, address, telephone number, birth date and principal occupation of the applicant;

(c) The social security number of the applicant;

(d) The name of the business and the business address of the adult business(es) where the applicant intends to entertain or work, if known;

(e) The business, occupation, or employment history of applicant for

the three years immediately preceding date of application;

(f) Any arrests or criminal convictions relating to theft, controlled substances, gambling, obscenity, prostitution, fraud, tax evasion, or racketeering as defined in ORS chapter 166; and, in the case of any person who will carry out any work relating to security or maintaining order in an adult business, such as "bouncer", any arrests or convictions relating to harassment, assault, menacing or the use or possession of weapons as defined in state law.

(2) Each applicant shall personally appear before the chief of police or his designee for fingerprinting and the taking of photographs.

(3) The application form required by this section, which contains personal information, shall remain confidential to the maximum extent permitted by law.

7.130 Issuance and Renewal of Adult Business Permit.

(1) Upon the filing of an application for and payment of the required fee, the chief of police shall conduct an investigation of the applicant and the city manager shall issue such permit if no cause for denial as noted in sections 7.100 to 7.185 exists.

(2) The application for a business permit shall be denied if:

(a) The applicant, or any other person who will be directly engaged in the management or operation of the business, or any person who owns five percent or more interest in the business, has previously owned or operated a business regulated by sections 7.100 to 7.185 and the license or permit for such business has been revoked for cause which would be grounds for revocation pursuant to sections 7.100 to 7.185, or if such business has been found to constitute a public nuisance and abatement has been ordered; or if such person has been convicted of or evidence exists that supports a finding by the preponder-

ance of the evidence the applicant or such other person has committed any criminal offense noted in section 7.120;

(b) The operation as proposed by the applicant would not comply with all applicable requirements of this code including but not limited to the building, health, planning, zoning and fire codes of the city;

(c) Any statement in the application is found to be false or any required information is withheld;

(d) Any employee is found to have committed any criminal offense noted in section 7.125 of this code, and such violation either occurred on the premises of the establishment subject to the permit, or was connected in such time and manner with the operation of the establishment, so that the person(s) in charge of the adult business knew, or should reasonably have known, that such violation(s) would occur.

(3) For the purpose of sections 7.100 to 7.185, the offenses listed in this section shall be considered to be defined by the statutes of the state unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the state or ordinances of the city specified in sections 7.100 to 7.185 shall be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or West Linn ordinance provisions.

(4) Notwithstanding the mandatory direction of subsection (2), the city manager may grant a permit, with the concurrence of the chief of police, despite the presence of one or more of the factors enumerated, if he concludes that the applicant has established to his satisfaction that the behavior evidenced by such factor is not likely to recur, or is remote in time, or occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of sections 7.100 to 7.185.

(5) The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance, shall be valid only for a single location, and shall be displayed on such premises so as to be visible to patrons. When the business location is changed, the address of the new location shall be provided in writing to the city manager for approval at least 10 days prior to such change.

(6) Denial of a permit may be appealed to the city council by filing written notice of an appeal with the city manager within 10 days of the date of denial.

7.135 Issuance and Renewal of Permit to Entertain in or be Employed by an Adult Business.

(1) Upon receipt of an application to entertain in or be employed by an adult business, the chief of police shall conduct an investigation of the applicant and the city manager shall issue such permit if no cause for denial as noted in sections 7.100 to 7.185 exists.

(2) Application for a permit shall be denied if:

(a) The applicant has been convicted of or evidence exists that supports a finding by the preponderance of the evidence that the applicant has committed any criminal offense noted in section 7.125;

(b) Any statement in the application is found to be false.

(3) For the purpose of sections 7.100 to 7.185, the offenses listed in this section shall be considered to be defined by the statutes of the state unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the state or ordinances of the city specified in sections 7.100 to 7.185 shall be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or West Linn ordinance provisions.

(4) Notwithstanding the mandatory direction of subsection (2), the city manager may grant a permit, with the concurrence of

the chief of police, despite the presence of one or more of the factors enumerated, if he concludes that the applicant has established to his satisfaction that the behavior evidenced by such factor is not likely to recur, or is remote in time, or occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of sections 7.100 to 7.185.

(5) The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance and shall be available for inspection at such premises in which the permittee is entertaining or employed.

(6) Denial of a permit may be appealed to the city council by filing written notice of an appeal with the city manager within ten days of the date of denial.

7.140 Revocation or Suspension of Permit.

(1) Any permit issued for an adult business pursuant to sections 7.100 to 7.185 may be revoked or suspended by the city manager, with the concurrence of the chief of police, for any cause which would be grounds for denial of a permit or where investigation reveals that any violation of the provisions of sections 7.100 to 7.185 or any offense noted in section 7.125 has been committed by any person who entertains or is employed on the premises and such offense is connected in time and manner with the operation of the establishment so that the person(s) in charge of such establishment knew, or should reasonably have known, that such violations would occur, or that such violations have been permitted to occur on the premises by the permit holder or any employee, or that a lawful inspection has been refused, or that such adult business activities cause significant litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other locational problems in the area around such premises.

(2) Any permit issued to any person to entertain or work in an adult business may be revoked or suspended by the city manager for any cause which would be grounds for denial of a permit.

(3) Any permit shall be revoked or suspended if any statement contained in the application therefor is found to have been false.

(4) The city manager, upon revocation or suspension of any permit issued pursuant to sections 7.100 to 7.185, shall give the permittee written notice of such revocation or suspension by causing notice to be served upon the permit holder at the business or residence address listed on the permit application. Service of such notice shall be accomplished either by mailing the notice by certified mail, return receipt requested, or at the option of the city manager, by personal service in the same manner as a summons served in an action at law. When notice is sent by certified mail and is returned, receipt unsigned, service of notice shall be accomplished by personal service in the same manner as a summons is served in an action at law. Refusal of the service by the person whose permit is suspended or revoked is prima facie evidence of receipt of the notice. Provided further, that service of notice upon the person in charge of a business during its hours of operation shall constitute prima facie evidence of notice to the person holding the permit to operate the business. Suspension or revocation shall be effective and final ten days after the giving of such notice, unless such suspension or revocation is appealed by filing a written notice of appeal to the city council with the city manager of the city.

7.145 Appeals. The filing of an appeal of a revocation or suspension of a permit under sections 7.100 to 7.185 shall stay the effectiveness of such suspension or revocation until the appeal is determined by the council. Upon receipt of notice of the appeal, the auditor shall give notice of the filing of the appeal to the city manager, who shall file a report with the council containing the reasons for such denial, revocation or suspension. The notice of appeal filed with the city manager shall contain an address for the appellant to which all notices required in sections 7.100 to 7.185 may be mailed. The city manager shall set a date for a council hearing upon the denial, revocation or

suspension. At the hearing the city manager shall report to the council his reasons for denying, revoking or suspending the permit. The person whose application has been denied or whose permit has been revoked or suspended shall have the right to call witnesses and be heard by council and file a written statement in his behalf. At the conclusion of the hearing, the council shall determine the appeal and the decision of the council shall be final. If the council denies the appeal, the revocation or suspension shall be effective immediately.

7.150 Duties of Adult Business Permit Holder.

(1) No person who has been issued a permit to operate a business regulated under sections 7.100 to 7.185 shall permit any person to engage in any conduct for which a permit is required by section 7.110(2) unless:

(a) Such person has a valid permit issued by the city manager to perform such act; and

(b) Written notice has been given to the city manager that such person will engage in such activity on the premises; and

(c) The name and current residence address of such person has been placed on file with the city manager.

(2) Upon termination of the employment of any such person, the business permit holder shall give written notice of such termination to the city manager within ten days of such termination. Further, the adult business permit holder shall, within ten days thereof, inform in writing the city manager of any change in the information required by section 7.120.

(3) A current, complete copy of all financial records required to be kept by an adult business permit holder for Oregon state and federal tax purposes regarding the operation of such business shall be maintained on such business premises. Such records shall be subject to inspection pursuant to section 7.180.

(4) No nude entertaining shall occur closer than ten feet from any patron.

(5) All nude entertaining shall only occur on a stage which is raised at least two feet from the level of the main floor in the adult business, and shall only be provided by persons who have a valid permit when required by sections 7.100 to 7.185.

(6) No person shall be admitted to an adult business as a patron or customer unless such person is eighteen years of age or older or accompanied by parent or guardian.

(7) No person under the age of eighteen shall entertain in or be employed by an adult business.

(8) No person employed by an adult business shall engage in any activity on any property in the vicinity of any adult business for the purpose of soliciting, beckoning, requesting, or suggesting to any person(s) to enter such premises as a patron.

7.155 Prohibited Conduct in Adult Business.

(1) It is unlawful for any person while engaging in nude entertaining in an adult business to come into physical contact with any patron.

(2) It is unlawful for any person while engaging in nude entertaining in an adult business to directly or indirectly accept any gratuity.

(3) It is unlawful for any person who performs nude entertainment in an adult business, while not entertaining, to come into physical contact with any patrons or to appear in any area to which patrons have access, while in a state of nudity.

7.160 Advertising Restrictions. No adult business regulated under sections 7.100 to 7.185 shall cause to be placed or maintained, in such a location as can be viewed by persons in any public street, any sign(s), photographic, pictorial or other graphic representation(s) that depict in whole or in part, or any page, poster or other printed matter bearing a verbal description or narrative account of, the following:

(1) Sadomasochistic abuse, sexual conduct or sexual excitement, as defined in ORS 167.060; or

(2) Nudity.

7.165 Hours of Operation. No nude entertainment shall occur in an adult business between the hours of 2:00 a.m. and 8:00 a.m.

7.170 Exterior Design Restrictions. No adult business shall have a window or door on the exterior wall which permits an interior view of the premises from the street or sidewalk.

7.175 Maintenance of Premises in Violation Declared a Nuisance--Abatement. Any establishment maintained in violation of the provisions of sections 7.100 to 7.185 is declared to be a public nuisance. The city attorney is authorized to bring any action or suit to abate such nuisance by seeking injunctive or any other appropriate relief in any appropriate forum when he or she has reasonable cause to believe a nuisance under this section exists, regardless of whether or not any individual has been convicted of a violation of sections 7.100 to 7.185.

7.180 Inspection of Premises. A police officer or other city employee designated by the city manager may, during the hours the establishment is open for business, upon presentation of proper identification, inspect those portions of any premises in which an adult business regulated under sections 7.100 to 7.185 is conducted that are open to or frequented by patrons and the records kept on the premises as required by section 7.150. Such inspection shall be limited in scope to that necessary to determine compliance with the regulatory provisions of sections 7.100 to 7.185. Except when an emergency exists, the police officer or city employee shall obtain the consent of the person on the premises who is in charge of the establishment before entering the establishment. Failure to permit the inspection shall be grounds for revocation or suspension of the permit required by sections 7.100 to 7.185. If the inspection is not permitted, the police officer or city employee may obtain a warrant of the municipal court authorizing entry for the purpose of inspection.

(2) No warrant shall be issued under the terms of sections 7.100 to 7.185 until an affidavit has been filed with the municipal court, showing probable cause for the inspection, by stating the purpose and extent of the proposed inspection, citing sections 7.100 to 7.185 as the basis for the inspection, whether it is an inspection instituted by complaint, and other specific or general information concerning the business in question.

(3) No person shall interfere with or attempt to prevent a police officer or city employee from entering upon private premises and inspecting any business when an emergency exists or the police officer or city employee exhibits a warrant authorizing entry.

7.185 Penalty.

(1) The violation of any provision of sections 7.100 to 7.185 shall subject the violator to suspension or revocation of the involved permit pursuant to section 7.140 as well as judicial proceedings as noted in section 7.175.

(2) Violation of any provision of section 7.155 is punishable upon conviction by a fine of not more than \$500 or by imprisonment not to exceed six months, or both.

ALARM SYSTEMS

7.200 Purpose and Scope.

(1) The purpose of sections 7.200 to 7.250 is to protect the emergency services of the city from misuse.

(2) Sections 7.200 to 7.250 govern emergency alarm systems, require permits, establish fees, provide for allocation of revenues and deficits, provide for revocation of permits, provide for punishment of violations and establish a system of administration.

7.205 Definitions. As used in sections 7.200 to 7.250, the following words and phrases shall have the meanings given to them in this section:

Alarm business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or

installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm center. Any location, other than the communications center where alarms are received from sites within the city and from which emergency response is requested.

Alarm system. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an emergency requiring urgent attention and to which public, fire, or emergency medical personnel are expected to respond.

Alarm user. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

Automatic dialing device. A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Burglary alarm system. An alarm system signaling an entry or attempted entry into the area protected by the system.

Chief of police. Director of police services for the city or his designated representative.

Communications center. The city facility used to receive emergency and general information from the public to be dispatched to city emergency services.

Coordinator. The individuals designated by the chief of police to issue permits and enforce the provisions of sections 7.200 to 7.250.

Emergency medical alarm system. A system to indicate a health emergency within an area protected by the system.

False alarm. An alarm signal or request eliciting a response by emergency personnel when a situation requiring a response by emergency personnel does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary events not reasonably

subject to control by the alarm business operator or alarm user.

Fire alarm system. An alarm system signaling temperature, humidity, smoke, or other evidences of fire within an area protected by the system.

Interconnect. To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Primary trunk line. A telephone line servicing the city communication center that is designated to receive emergency calls.

Robbery alarm system. An alarm system signaling a robbery or attempted robbery.

7.210 Alarm User's Permit Required.

(1) Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office upon the effective date of the ordinance codified in sections 7.200 to 7.250 or prior to use of an alarm system. Users of systems using robbery, burglary, fire, and emergency medical alarm capabilities shall obtain separate permits for each function. Application for each of said alarm user's permit and a fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the chief of police and be for a one-year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his authorized designee. The fee for an emergency alarm users permit shall be set by resolution of the council.

(2) A revoked user's permit shall be obtained from the coordinator's office by filing an application and paying a fee set by resolution of the council.

(3) Each permit shall bear the signature of the chief of police and shall bear the same expiration date as the revoked permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his designated representative.

(4) If a residential alarm user is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, an initial user's permit may be obtained from the coordinator's office according to subsection (1) of this section without the payment of a fee. Revoked user's permits shall require the fee set forth in sections 7.200 to 7.250.

(5) In addition to the fee provided in subsection (1) an additional fee set by council resolution will be imposed on a user who fails to obtain a permit within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250, or who is more than sixty days delinquent in renewing a permit.

(6) An alarm user required by federal, state, county, or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to sections 7.200 to 7.250 and may be issued a special alarm user's permit.

(7) An alarm user which is a governmental political unit shall be subject to sections 7.200 to 7.250, but a permit shall be issued without payment of a fee.

7.215 User Instructions.

(1) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to sections 7.200 to 7.250 shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(2) Standard form instructions shall be submitted by every alarm business to the chief of police within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250. If he reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with this section and then to distribute the revised instructions to its alarm users.

7.220 Automatic Dialing Device--Certain Interconnections Prohibited.

(1) It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the coordinator that it is so programmed.

(2) Within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

(3) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

7.225 False Alarms--Permit Revocation.

(1) Any alarm system which has ten or more false alarms within a permit year shall be subject to permit revocation as provided herein.

(2) If the communications center records ten or more false alarms within a permit year for any alarm system:

(a) The chief of police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the chief of police within ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(b) If the alarm user submits a report as directed, the chief of police shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user and the

relevant alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.

(c) If no report is submitted, or if the chief of police determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the chief of police shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.

(d) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the chief of police by certified mail at least ten days prior to the date set for the hearing, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing.

(e) The hearing shall be before the city council, and the chief of police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the council determines that ten or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the council shall issue written findings to that effect and may issue an order revoking the user's permit.

(f) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in section 7.210(2). The chief of police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The chief of police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and condi-

tions shall be written on the permit and shall provide for summary revocation on the occurrence of ten false alarms in the permit year.

(g) In situations permitting summary revocation under subsections (b) and (f) of this section, revocations shall be effective on the fifth day following the mailing by certified mail by the chief of police of a notice of revocation. There shall be no appeal of a summary revocation.

7.230 False Alarm--Fee.

(1) The special alarm user permit shall be as defined in section 7.210(6), and shall be subject to the following regulations:

(a) Special alarm permits shall not be subject to revocation due to false alarms.

(b) For each false alarm over five in a permit year, upon written demand thereof by the chief of police, the holder of a special user's permit shall pay a fee in an amount set by council resolution.

(2) The governmental political unit shall be as defined in section 7.210(7), and shall be subject to the following regulations:

(a) Shall not be subject to revocation due to false alarms.

(b) For each false alarm over five in a permit year, for each location, and upon written demand thereof by the chief of police, the holder of the alarm user's permit shall pay a fee in an amount set by council resolution.

(3) All other alarm permits shall, for each false alarm over five in a permit year, for each location, and upon written demand by the chief of police, pay a fee in an amount set by council resolution.

(4) The payment of any fee provided for in this section shall not be deemed to extend the term alarms of the permit.

(5) Nonpermit user's false alarms shall be subject to the following regulations:

(a) Alarm requests from alarm centers, as defined in section 7.205, shall be subject to false alarm fees.

(b) For each false alarm request over five in a calendar year, for each location, and upon written demand thereof by the chief of police, the resident, tenant, or owner shall pay a fee in an amount set by council resolution.

7.235 Confidentiality Statistics.

(1) All information submitted in compliance with sections 7.200 to 7.250 shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of sections 7.200 to 7.250. The coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under sections 7.200 to 7.250.

(2) Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

7.240 Allocation of Revenues and Expenses. All fees, fines and forfeitures of bail collected pursuant to sections 7.200 to 7.250 shall be general fund revenue of the city.

7.245 City Liability. The city shall incur no liability or costs as a result of personnel or system malfunctions of private alarm systems or the installation or maintenance of said systems.

7.250 Enforcement.

(1) Enforcement of sections 7.200 to 7.250 may be by civil action as provided in ORS 30.315.

(2) Violation of sections 7.200 to 7.250 shall be punished upon a conviction as set out in sections 1.205 to 1.260 of this code.

(3) The failure or omission to comply with provision of sections 7.200 to 7.250, shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection (2) of this section.

**HANDGUN PURCHASE
BACKGROUND INVESTIGATION FEE**

7.275 Processing Fee. A processing fee shall be charged for each handgun purchaser background investigation performed pursuant to ORS 166.420(3)(a). The fee shall be submitted to the police department with the background inspection request by the dealer. Failure to submit the proper fee with the request shall be grounds for rejection of the application.

7.280 Fee Classification. The city council finds that the processing fee authorized by section 7.275 is not a tax subject to the property tax limitations of Article XI, Section 11B, of the Oregon Constitution.

7.285 Penalty. Failure to remit the processing fee for any background investigation shall be punishable by a fine not to exceed \$100 per occurrence.

**REGULATING DOOR-TO-DOOR
SOLICITATIONS**

7.300 Purpose.

The City Council finds it necessary and desirable to regulate solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right to privacy caused by solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt that quiet enjoyment of property can be held accountable for such violations.

[Section 7.300 amended by Ordinance No. 1494, adopted March 19, 2003.]

7.305 Definition. For the purposes of sections 7.300 to 7.340, the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing.

7.310 Prohibited Acts, Penalties.

- (1) It is unlawful for any person to:
 - (a) Solicit before 9:00 a.m. or after 9:00 p.m., local time, without the consent of the occupant to do so;
 - (b) Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;
 - (c) Leave written materials upon real property where a sign conforming to the requirements of Section 7.335 is posted, without the consent of the occupant to do so;
 - (d) Solicit upon real property where a sign conforming to the requirements of Section 7.335 is posted;

(2) Violation of this section is punishable as a Class A civil infraction.

[Section 7.310 amended by Ordinance No. 1494, adopted March 19, 2003.]

7.315 Consent to Enter Onto Real Property, Exemption.

(1) It shall be an affirmative defense to an alleged violation of section 7.310 that the person charged with the violation or crime had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

(2) The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 9:00 p.m., local time, if they have not posted a "No Solicitation" sign, pursuant to section 7.335.

(3) Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

(4) Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employ-

ment or agency are exempt from the requirements of sections 7.300 to 7.340.

7.335 No Solicitation Sign.

(1) If an occupant of real property chooses to prohibit solicitors from entering onto the property, the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by subsection (4) of section 7.315.

(2) Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and

(a) Signs must be no smaller than six inches in height by eight inches in width; and

(b) Signs must contain the words "No Solicitation" and the reference "Sections 7.300 to 7.340 West Linn Municipal Code" in characters no less than one-half inches in height.

(3) For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section. If the No Solicitation sign is placed at the primary entrance to the structure, it shall not be a violation to enter the property to approach the primary entrance, provided that the person entering does not seek to gain entry to the structure or communicate with someone inside the structure.

[Section 7.335 amended by Ordinance No. 1494, adopted March 19, 2003.]

[Note: Under "Regulating Door-to-Door Solicitations" the following sections were repealed by Ordinance No. 1494, adopted March 19, 2003: Section 7.320 - Registration Statement; Section 7.325 - Issuance of Certificate of Registration, Revocation; Section 7.330 - Form of Certificate of Registration, Term; and Section 7.340 - Evidentiary Matters.]

SOCIAL GAMING

7.375 Prohibited Gaming. Except as provided in section 7.380, no person shall engage in social games or gambling within the city.

7.380 Exceptions.

(1) Charitable, fraternal, nonprofit civic associations and religious organizations may engage in social games where no house player, house bank or house odds exist and there is no house income from the operation of the social games.

(2) Charitable, fraternal and religious organizations may operate bingo, lotto or raffles in compliance with ORS 167.118 and when licensed to operate such games pursuant to ORS 167.118, 464.250 to 464.380, 464.420 and 464.450 to 464.530.

7.385 Definitions. The definitions in ORS 167.117 are applicable to sections 7.375 and 7.380.

**BUSINESS PRIVILEGE TAX--
NATURAL GAS SUPPLIERS**

[Sections 7.400 to 7.445 deleted by Ordinance No. 1487, adopted August 7, 2002.]

PUBLIC UTILITIES PRIVILEGE TAX

7.500 Authority. The privilege tax for use and occupancy of city streets covered by sections 7.500 to 7.525 is enacted pursuant to the authority of the city under Oregon law, including the authority to impose privilege taxes on public utilities.

7.505 Tax Imposed. A tax for the privilege of occupying and using streets and other facilities within the city of one and one-half percent is imposed on the gross revenue received by any supplier of electrical energy to consumers within the City that has received a franchise from the City. [Section 7.505 amended by Ordinance No. 1477 adopted November 28, 2001.]

7.510 Methodology for Calculation. The term "gross revenue" shall have the same meaning as set forth in the franchise ordinance granting a franchise to the Portland General Electric Company, or if that franchise ordinance does not define the term, in the franchise agreement with Portland General Electric Company. The methodology for calculating tax shall be identical to the methodology for calculating Portland General Electric Company's franchise fee. [Section 7.510 amended by Ordinance No. 1477 adopted November 28, 2001.]

7.515 Tax Collection. The tax imposed by sections 7.500 to 7.525 shall be due semi-annually for the preceding six-month period. The tax shall be due as follows:

(1) On or before April 1, the tax for part or all of the six-month period extending from July 1 through December 31, inclusive of both dates, of the preceding calendar year; and

(2) On or before October 1, the tax for part or all of the six-month period extending from January 1, through June 30, inclusive of both dates, of the same calendar year.

7.520 Effective Date. The tax for the privilege of occupying and using streets and other facilities shall become effective as of May 1, 1993, for gross revenues from energy consumption within the city on and after that date.

7.525 Classification of Tax. The city council determines that the tax imposed by sections 7.500 to 7.525 is not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

**CABLE TELEVISION--
FRANCHISE REGULATIONS**

7.600 Definitions. For purposes of sections 7.600 to 7.635, unless the context requires otherwise, the following mean:

Access. The availability for use by various agencies, institutions, organizations, groups and individuals in the community,

including the city and its designees, of the cable communications system to acquire, create, and distribute programming not under the franchisee's editorial control, including, but not limited to public, educational and government programming.

Cable service. Programming, in any combination, provided on the cable communications system to subscribers.

Cable Communications System. A system of plant, facilities, equipment, and closed signal transmission paths, including, without limitation, antennas, cables, amplifiers, towers, microwave links, studios, real and personal property, and any and all other conductors, home terminals, converters, remote control units, and all associated equipment or facilities designed and constructed for the purposes of distributing cable service to subscribers and of producing, receiving, amplifying, storing, processing or distributing audio, video, voice, digital, analog or other forms of electronic or optical signals, whether processed by or owned, rented, leased, leased-purchased or otherwise controlled by or within the responsibility of the franchisee.

Franchise. The privilege conferred upon a person, firm or organization by the city to operate a cable communications system under the terms and provisions of sections 7.600 to 7.635.

Franchisee. The person, firm or organization to which a franchise is granted to operate a cable communications system pursuant to the authority of sections 7.600 to 7.635.

Leased Access Channel. Any channel or portion of a channel commercially available for programming for persons other than the franchisee for a fee or charge, or other considerations to be paid by those persons to the franchisee.

Programming. The process of causing television programs or other patterns of signals in video, voice or data formats to be transmitted on the cable communications system, and includes all programs or patterns of signals transmitted or capable of being transmitted, on the cable communications system.

Public Right-of-Way. The surface of, and the space above and below, any public street, road, alley, highway, dedicated way, local access road or road easement used or intended to be used by the general public for motor vehicles, and any utility easement within the city, to the extent the city has the right to allow the franchisee to use them.

7.605 Authority. The city council of the city of West Linn recognizes, declares and establishes the authority to regulate the construction, operation and maintenance of cable communications systems (hereinafter "systems") for the area located within the city limits and to exercise all powers necessary for that purpose, including, but not limited to, the following:

(1) To grant by resolution, nonexclusive franchises for the development and operation of a system or systems.

(2) To impose different franchise requirements based on reasonable classifications.

(3) To contract, jointly agree or otherwise provide with other local or regional governments, counties or special districts for the development, operation, and/or regulation of systems, or franchises therefor, notwithstanding the fact that the systems extend beyond the jurisdiction of the city.

(4) To purchase, hire, construct, own, maintain, operate or lease a system and to acquire property necessary for any such purpose.

(5) To regulate and supervise all facets of a system, including but not limited to:

(a) Consumer service, consumer protection and privacy standards.

(b) Disputes among the city, franchisees, and subscribers.

(c) Franchisee fair employment practices.

(d) The development, management and control of access channels.

(e) Programming, channel capacity and system interconnections.

- (f) Rates and review of finances for rate adjustments.
- (g) Construction timetables, standards, and service extension policies.
- (h) Modernization and upgrade of technical aspects.
- (i) Leased access channels.
- (j) Ensuring adherence to federal, state and local regulations.
- (k) Franchise transfer and transfer of control of ownership.
- (l) Franchise renewal.
- (m) Franchise revocation.
- (n) Enforcement of buy-back, lease-back or option-to-purchase provisions.
- (o) Receivership and foreclosure procedures.
- (p) Compliance with city standards for public rights-of-way.
- (q) Regulate telecommunications utilities which operate a cable communications system.

(6) Reserve the power to exercise this grant of authority to the fullest extent allowed by law, and in a manner that is consistent with superior law.

7.610 Grant of Franchise, Renewal.

(1) In the event that the council finds it in the best interests of the city to consider granting a franchise for a system, the procedures set forth in sections 7.600 to 7.635 shall be followed.

(2) By resolution of the council, the city manager shall be directed to prepare a request for proposal (hereafter referred to as an "RFP") containing at least the following:

- (a) Information and instructions relating to the preparation and filing of bid proposals.
- (b) Requirements regarding the development, operation and regulation of a system, including but not limited to the following:
 - (i) The length, renewal and transfer or assignment of the franchise, including foreclosure and receivership provisions,

- (ii) A description of the franchise territory and the extension of service,
- (iii) Access requirements,
- (iv) The system design,
- (v) Technical performance standards,
- (vi) Fees, records and reporting,
- (vii) Indemnification, insurance, and liability for damages, and
- (viii) Provision of an option for the city to acquire the system upon revocation or expiration of the franchise.

(c) Criteria to be used in evaluating applicant proposals.

(3) When a person is operating an existing system without a franchise, by resolution of the council, the city manager shall be directed to prepare a proposed franchise, containing at least the requirements listed in (2)(b) above, for presentation to the operator.

- (4) The council, by resolution, may:
- (a) Approve the RFP, or proposed franchise, as proposed, or modify or otherwise make amendments thereto as it deems necessary;
 - (b) Authorize the city manager to seek bids for a system pursuant to the RFP, or enter discussions with a current operator on the award of a franchise.

(5) The council may award a franchise only after a public hearing on the proposed franchise, notice of which shall be published in a local newspaper of general circulation in the city at least ten days prior to the date of the hearing. The potential franchisee shall be notified by mail of the public hearing; provided, however, that no defect in the notice or failure to notify shall invalidate the franchise awarded. The council may award the franchise, modify the proposed franchise and award or take no action.

(6) No franchise or award thereof shall be deemed final until adoption of a

resolution containing the terms and conditions thereof. The franchisee shall bear the costs of all publications and notices given in connection with the award of the franchise, and the costs incurred by the city in evaluating the proposed franchise.

(7) A request for renewal of a franchise will be considered and processed in conformance with federal law. The council may, by resolution, adopt procedures to be followed in the consideration of a renewal request.

7.615 Administration of Cable Communications Provisions and Franchise.

The council shall have the power to carry out any or all of the following functions:

(1) Employ the service of a technical consultant, to assist in the analysis of any matter related to any franchise, RFP or proposed franchise under sections 7.600 to 7.635;

(2) Act on applications for franchises;

(3) Act on matters which might constitute grounds for revocation or termination of a franchise pursuant to its terms;

(4) Resolve disagreements among franchisees and public and private users of the system;

(5) Consider requests for rate settings or adjustments;

(6) Coordinate and facilitate the use of access channels;

(7) Act in intergovernmental matters relating to systems, cooperate with regulators and operators of other systems, and supervise interconnection of systems;

(8) Review all franchisee records required by the franchise and, in the council's discretion, require the preparation and filing of information additional to that required by the franchise;

(9) Conduct evaluations of the system and the franchisee's compliance with franchise requirements at least every three years;

(10) Adopt and amend regulations and procedures necessary to enforce franchises and to clarify terms thereof;

(11) Appoint in advisory committee to assist the council in exercising its authority pursuant to sections 7.600 to 7.635;

(12) Any other actions the council deems necessary to carry out the purpose of sections 7.600 to 7.635.

7.620 Intergovernmental Agreements.

The council may enter into intergovernmental agreements as authorized by Oregon law, with any other jurisdiction to provide for the cooperative regulation and control of any aspect of a cable communications system. Such agreements may provide for the delegation of any and all powers of the council to an entity provided for in the intergovernmental agreement, except for the powers to enter into or revoke a franchise agreement.

7.625 Violation and Penalties.

(1) Any person, firm or corporation, other than the city, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of sections 7.600 to 7.635 or performing any of the acts or functions itemized under section 7.600, which defines a cable communications system, without having been awarded a franchise to perform said acts or functions pursuant to the terms of sections 7.600 to 7.635 shall be deemed to have committed an infraction.

(2) Violation by a franchisee of any provision of a franchise granted pursuant to sections 7.600 to 7.635 is an infraction.

(3) Each violation occurring on a separate day is considered a separate violation of sections 7.600 to 7.635.

7.630 Cumulative Remedies. The rights, remedies and penalties provided in this section are cumulative and not mutually exclusive and are in addition to any other rights, remedies and penalties available to the city under any other chapter or law.

7.635 Injunctive Relief. Upon authorization by the council, the city attorney may commence an action in the circuit court or other appropriate court to enjoin the continued violation of any provision of sections 7.600 to 7.635.

LIQUOR LICENSE REVIEW

7.700 Purpose. The purpose of sections 7.700 to 7.740 is to provide administrative procedures and criteria for the City's review of liquor license applications. The city council shall make a recommendation to the Commission concerning all applications for premises within the city. The recommendation may be to grant, grant with restrictions, or deny the application. [Section 7.700 amended by Ordinance No. 1478, adopted November 28, 2001.]

7.705 Scope of Provisions. Sections 7.700 to 7.740 shall govern the procedures and criteria for consideration of liquor license applications and city council recommendation to the Oregon Liquor Control Commission.

7.920 Definitions. For the purpose of sections 7.700 to 7.740 the following mean:

Applicant. The person or entity who submits an application to the Commission.

Application. The written request to the Commission to grant or renew a liquor license for premises within the City limits.

Commission. The Oregon Liquor Control Commission.

Liquor License. A license to sell liquor issued by the Commission.

Notice of Application. The notice provided by an applicant to the City of an application for a new liquor license as required by Section 7.715.

Notice of Renewal. The notice provided by the Commission to the City under OAR 845-005-0304 listing liquor licenses within the city that are scheduled for renewal.

[Section 7.710 amended by Ordinance No. 1478, adopted November 28, 2001.]

7.715 Notice of Application Required.

(1) An applicant shall provide the City Manager with a notice of application for any new liquor license in a form approved by the City Manager. The notice shall include:

- (a) A copy of the application;
- (b) A request that the city issue a written recommendation to the Commission concerning the application;
- (c) The type of license applied for and a description of the nature of the business for which the application is made;
- (d) The name of the applicant, with address; if a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the designated agent in the state; if a foreign corporation, the name and address of the local agent or representative of the business in the city;
- (e) The address of the location where the business will be located in the city;
- (f) Any other relevant information the city manager deems necessary for review;
- (g) The signature of the applicant or the agent making the application.

Items (c) through (e) do not have to be separately stated if included in the copy of the application provided to the city.

(2) At the time of submission of the notice of application, the applicant shall be required to pay a fee in an amount set by council resolution and consistent with applicable statutes.

[Section 7.715 amended by Ordinance No. 1478, adopted November 28, 2001.]

7.717 Renewal Fee.

Any holder of a liquor license for premises located within the City shall submit a renewal fee to the City prior to the date on which the license is to be renewed. A copy of the renewal application must accompany

the fee. [New Section 7.717 added by Ordinance No. 1478, adopted November 28, 2001.]

7.720 City Manager's Duties.

(1) The city manager shall maintain a record of all notices of application and all notices of renewal received. The City Manager shall review all notices for the purpose of making a recommendation to the City Council. The review shall address all criteria that are relevant to the application under state law. The review of the notice of renewal shall include a determination whether the renewal fee has been paid.

(2) The City Manager may require an applicant to supply any relevant additional information to determine the qualifications of the applicant. Upon completion of the review, the City Manager shall make a recommendation to the City Council. The written recommendation shall be available at least 10 days prior to the City Council meeting at which the recommendation is to be considered.

[Section 7.720 amended by Ordinance No. 1478, adopted November 28, 2001.]

7.725 Hearing Procedure.

(1) The City Manager shall normally schedule City Council consideration of its recommendation on notices of applications within 25 days of receipt of the notice of application. If for any reason the matter cannot be considered by the City Council within 25 days, or if the City Council is unable to come to a decision on the date the matter is first presented to the Council, or if the City Council votes to recommend denial after the City Manager recommends approval, the City Manager shall request an extension of time from the Commission to submit the City's recommendation to the Commission. The final recommendation by the City must be submitted to the Commission within 30 days of the notice of application if no extension is granted and within 75 days of the notice of application if an extension is granted, or such other time as determined by the Commission.

(2) The City Manager shall normally schedule City Council consideration of its recommendation on notices of renewal within 55 days of the receipt of the notice of renewal. If for any reason the matter cannot be considered by the City Council within 55 days, or if the City Council is unable to come to a decision on the date the matter is first presented to the Council, the City Manager shall request an extension of time from the Commission to submit the City's recommendation to the Commission. The final recommendation must be submitted by the City within 60 days of the notice of renewal if no extension is granted and within 105 days of the notice of renewal if an extension is granted or such other time as determined by the Commission.

(3) If the City Manager recommends approval of the application, the application will be scheduled as a Council agenda item. Upon adverse recommendation by the City Manager, a public hearing will be scheduled and notice given pursuant to section 7.730.

(4) The applicant may be represented by legal counsel, but legal counsel shall not be provided at public expense.

(5) Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of their serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(6) Irrelevant and unduly repetitious evidence shall be excluded.

(7) After due consideration of all pertinent information and testimony, the City Council shall make its recommendation. The recommendation shall be based upon the criteria established by state law and shall be final. In the case of a recommendation of an unfavorable determination, the specific reasons for the recommendation shall be

announced at the meeting and set out in the City Council's minutes. A copy of the minutes shall be provided to the Commission.

[Section 7.725 amended by Ordinance No. 1478, adopted November 28, 2001.]

7.730 Applicant Notice. Before the city council recommends denial of a liquor license application to the commission, notice of the public hearing must be given either personally or by registered or certified mail postmarked not later than ten days prior to the hearing. The notice shall contain:

(1) A statement of the time and place of hearing;

(2) A statement from the city manager of the matter(s) asserted or charged supporting the adverse recommendation or stating why the hearing was requested;

(3) A statement that the applicant may be represented by legal counsel at the hearing, but legal counsel shall not be provided at public expense;

(4) A statement that if the applicant desires to participate in the hearing, the manager must receive notice in writing, no later than five working days prior to the hearing; and

(5) A statement that if participation is requested by the applicant, that a copy of sections 7.700 to 7.740 may be obtained at the city manager's office.

7.735 Public Notice. In the event that a public hearing is scheduled, the city, in addition to any regular city council notice provisions, shall cause to be published in a newspaper of general circulation in the city a notice specifying a time, date and location of the hearing and business name and address of the applicant. The notice shall inform the public that testimony may be given for or against the application.

7.740 Standards and Criteria.

The City Council shall make its recommendation for approval, denial or approval with restrictions of the liquor license application based on the City Council's evaluation of the relevant standards and

criteria. The applicant shall be held strictly accountable for the conditions of the premises. The City Council shall apply the standards and criteria established by state law. In determining whether the license is demanded by the public interest or convenience, the City Council may consider:

(1) The completeness of the application;

(2) The applicant provision or failure to provide in a timely manner any information reasonably requested by the City Manager or City Council;

(3) Whether the applicant provided false or misleading information to the City Manager, City Council or any City employee;

(4) The impact on the citizens and public institutions of the City. In determining the impact, the City Council shall consider public opinion and whether public opinion weighs against the application. Public opinion may be received by written or oral comment. Persons who comment on a pending application must provide their names in order to have their opinion considered. Public opinion will be evaluated in light of the reasons expressed and the extent to which the persons expressing it are likely to be affected by the issuance of the license. Greater weight will be given to opinions of persons residing, working, owning a business or who have children attending school or day-care within a one-half mile radius of the premises. The number of persons expressing opposition will not, in and of itself, be controlling;

(5) Whether the applicant's premises and the area nearby are heavily frequented by persons under 21 years of age unaccompanied by adults;

(6) Any convictions of the applicant for violating any of the alcoholic liquor laws of this state, general or local, or any felony or misdemeanor convictions involving moral turpitude;

(7) The applicant's use of controlled substances or alcoholic beverages to excess;

(8) The applicant's reputation and moral character;

(9) Whether the applicant has maintained, or allowed to exist a noisy, lewd, or disorderly establishment, or an establishment that creates or is a public nuisance under the ordinances of the City or laws of the state;

(10) The maintenance, cleanliness and repair history of applicant's premises during applicant's ownership;

(11) Conformity and compliance with City ordinance and regulations and state laws and regulations by the applicant or applicant's premises; and

(12) Whether excessive demand on City services, including law enforcement, has resulted from applicant's operation of the premises.

[Section 7.740 amended by Ordinance No. 1478, adopted November 28, 2001.]

PUBLIC TELEPHONE BOOTHS

7.750 Permit Grant. A revocable permit is granted to the Pacific Northwest Bell Telephone Company, its successors and assigns to install, maintain and operate public telephone booths at various locations on city property and city streets on the following terms:

(1) Location of Booths. Sites for the location or relocation of telephone booths shall be selected by the permittee, subject to approval of the city.

(2) Installation and Maintenance. The permittee shall bear the entire cost of installation, maintenance, relocation and removal of every telephone booth installed under this permit.

(3) Commissions. The permittee shall pay to the city a commission equal to

fifteen percent of the net contents of the coin box of each public telephone installed hereunder, after deduction for applicable excise taxes. After this permit becomes effective, such commissions shall be paid to the city semiannually.

(4) Electricity. With approval of the city, the permittee, where feasible, may interconnect with electric service furnished to the city.

(5) Removal of Booths. Upon 30 days' notice, the city, for cause, may require the permittee to remove or relocate any telephone booth installed hereunder. The permittee on its own initiative may remove any telephone booth at any time but shall restore the surface to good condition, and safe for public use, considering the nature and location of the property.

(6) Termination of Permit. This permit may be discontinued voluntarily by the permittee, only after 30 days' notice. In event of such termination, the permittee shall remove all installations hereunder within 90 days and in compliance with provisions of subsection (5) of this section.

7.755 Indemnification of City. The permit granted by sections 7.750 to 7.760 is subject to the condition that permittee, its successors and assigns, forever will indemnify, and save the city, its officers, agents and employees harmless from and against any and all liability, loss, cost, damage and expense, and any and all claims for injury or death to persons and damage to property, directly or indirectly arising from the installation, maintenance, or operation of telephone booths under this permit. The city shall promptly notify the permittee upon receipt of any claim or demand against which it is, or may be held harmless by the permittee under this indemnification. As evidenced by its written acceptance of the terms and conditions as provided in section 7.760, the permittee understands and agrees that the permit is granted only upon, and constitutes consideration for, this indemnification.

7.760 Filing of Acceptance. Sections 7.750 to 7.760 are not operative until the permittee has filed with the city manager

a written acceptance of all terms and conditions contained herein, signed by an authorized official of said corporation and approved as to form by the city attorney.

place on City property or rights-of-way or that require the closure of any portion of a City street.

[New Section 7.800 added by Ordinance No. 1493, adopted February 5, 2003.]

SPECIAL EVENT PERMITS

7.800 Definitions.

As used in Sections 7.800 to 7.880, the following words and phrases shall have the meanings given to them in this section:

Applicant. Any person or organization who seeks a special event permit from the City Manager to conduct a special event governed by this chapter. An applicant who is an individual must be eighteen years of age or older.

Athletic Event. An occasion in which a group of persons collectively engage in a sport or other form of physical exercise on a City street, sidewalk, alley or the street right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrians or vehicular traffic or does not comply with traffic laws and controls. Athletic events include bicycle and foot races within city rights-of-way.

Block Party. A festive gathering on a residential or commercial street or area requiring a closure of a street, or a portion thereof, to vehicular traffic and use of the street for the festivity.

Carnival. The exhibiting or conducting of a traveling show or of entertainment open to the public, including any caravan, museum, menagerie, animal collection, circus, sideshow, rodeo, carnival, animal exhibition, feats of horsemanship, acrobatic performance, "wild west" show, or any other show or entertainment similar in character.

City Manager. The City Manager or, in the Manager's absence, the Acting City Manager.

Special Events. Carnivals, community celebrations, outdoor festivals, athletic events, block parties, parades, fairs, animal races, and similar public gatherings that take

7.810 Permit Required.

A. Permit Required. Any person intending to conduct a special event in the City of West Linn shall first obtain a special event permit from the City Manager.

B. Exemptions. A special event permit is not required for the following:

Funeral processions
Garage Sales

C. Application Procedure.

Application. Any person desiring to conduct a special event not exempted herein shall apply for a special event permit by filing an application with the City Manager on a form supplied by the City Manager. All applications shall be submitted not less than thirty days nor more than six months before the event date.

Late Application. The City Manager may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event, if good cause for late submission is received. Good cause shall be deemed demonstrated if the application shows that the circumstances which gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed by this chapter.

Application Fee. An application for a special event permit shall be accompanied by a non-refundable permit application fee in an amount established by resolution of the City Council.

[New Section 7.810 added by Ordinance No. 1493, adopted February 5, 2003.]

7.820 Action on Application.

The City Manager shall approve, conditionally approve, or deny an application on the grounds specified in Section 7.830A

(1-9). Such action shall be taken within 15 days from time of application submittal. If the application is denied or approved on conditions other than those accepted by the applicant, the City Manager shall inform the applicant of the grounds for denial in writing, or the reason for the conditions imposed, simultaneously with notice of the decision, and shall further inform the applicant of the right of appeal. If the City Manager relied on information about the event other than that contained in the application, the City Manager shall inform the applicant of additional information considered. The applicant shall be notified of any permit conditions at the time the application is approved and of the applicant's right to appeal the permit conditions. If the City Manager refuses to consider a late application, the City Manager shall inform the applicant of that fact within 48 hours and shall inform applicant of the applicant's right of appeal.

[New Section 7.820 added by Ordinance No. 1493, adopted February 5, 2003.]

7.830 Grounds for Denial of Application for a Fairs, Festivals and Special Event Permit – Imposition of Conditions.

A. Considerations. The City Manager shall deny an application for a special event permit only if the City Manager determines from a consideration of the application and other pertinent information that one or more of the following exists:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be materially false or misleading;

2. The applicant fails to complete the application after having been notified of the additional information or documents requested;

3. The City Manager has earlier received an application to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events;

4. The time, route, or size

of the event is reasonably likely to substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion;

5. The concentration of persons, animals and vehicles at the site of the event, or the assembly and disbanding areas around the event, is reasonably likely to prevent proper police, fire, or ambulance services to areas contiguous to the event;

6. The size of the event is reasonably likely to require diversion of so great a number of police officers of the City to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the City. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event.

7. The parade, or other event moving along a route, is not reasonably likely to move from its point of origin to its point of termination in four hours or less;

8. The location of the event is reasonably likely to substantially interfere with any construction or maintenance work previously granted an encroachment permit or create a risk to event participants from such construction or maintenance work;

9. The event is reasonably likely to occur at a time when a school is in session, at a route or location adjacent to the school, and the noise created by the activities of the event would substantially disrupt the educational activities of the school;

B. Conditional Approvals. When the grounds for denial of an application for a permit specified in subsections 7.830(A4-A9) of this section can be corrected by altering the date, time, duration, route or location of the event, the City Manager, instead of

denying the application, shall conditionally approve the application pursuant to Section 7.840. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with subsections A4 through A10 of this section and shall be consistent with rules and regulations established by the City Manager.

[New Section 7.830 added by Ordinance No. 1493, adopted February 5, 2003.]

7.840 Permit Conditions.

A. The City Manager may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event, and any additional requirements necessary to protect the safety of persons and property or to provide for adequate control of traffic. Conditions may include, but need not be limited to the following:

1. Alteration of the date, time, route or location of the event proposed on the event application;
2. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route;
3. Conditions concerning accom-modation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
4. Requirements for street closure and/or traffic control in accordance with a City-approved traffic control plan. If public works personnel are involved, suitable prior arrangements must be made in advance with the City Manager for reimbursement of time and materials expended.
5. Requirements for provision of first aid, sanitary or emergency facilities;
6. Requirements for use of event monitors and some method for providing notice of permit conditions to event participants;
7. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of, but not limited to floats,

structures and decorated vehicles for fire safety by the TVF&R District;

8. Compliance with animal protection ordinances and laws;
9. Requirements for use of garbage containers, cleanup and restoration of City property;
10. Restrictions on use of amplified sound;
11. Compliance with any relevant ordinance, law or adopted City policies in obtaining any legally required permit or license;
12. Restrictions on the sale of alcoholic beverages;
13. Conditions concerning issuance of liability protection;
14. Conditions concerning adequate security. It is the applicant's responsibility to provide adequate security forces. If City police are involved, suitable prior arrangements must be made in advance with the City Manager for reimbursement of time and materials expended.

B. An application for a special event permit to conduct a block party may be conditioned on notice and approval by fifty percent of the owners or tenants or dwellings or businesses along the affected street(s);

[New Section 7.840 added by Ordinance No. 1493, adopted February 5, 2003.]

7.850 Permit Issuance.

The City Manager shall issue the special event permit once the application has been approved, the applicant has agreed in writing to comply with the terms and conditions of the permit, the application fee and any required deposits have been paid, and all of the requirements of this chapter have been satisfied.

[New Section 7.850 added by Ordinance No. 1493, adopted February 5, 2003.]

7.860 Appeal Procedure.

The applicant shall have the right to appeal (1) denial of a permit, (2) a permit condition, (3) a determination not to act on a late application, and (4) a refusal to issue a permit based on a determination that the applicant's insurance policy does not satisfy a condition imposed under Section 7.840. A

notice of appeal stating the grounds of appeal with specificity shall be filed and shall be heard at the next regularly scheduled Council meeting held at least two weeks after the filing of the notice of appeal. The City Council shall hear the applicant or a designated representative and receive any relevant information and documents. The decision of the City Council shall be final.

[New Section 7.860 added by Ordinance No. 1493, adopted February 5, 2003.]

7.870 Cleanup Deposits for Certain Special Events.

A. Cleanup Deposit. The applicant for an event (including but not limited to) involving the sale of food or beverages, erection of structures, participation of horses or other large animals, or use of water aid stations, shall be required to provide a cleanup deposit prior to the issuance of a special event permit. The cleanup deposit shall be in an amount established by the City Council by resolution.

B. Refund. The cleanup deposit shall be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event. If the actual cost for cleanup is less than the estimated cost, the applicant will be refunded the difference. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the City upon the applicant's receipt of the bill.

C. Appeals. If the applicant disputes the cleanup charge, he/she/it may appeal to the City Manager within five days after receipt of the bill. The decision of the City Manager shall be final.

[New Section 7.870 added by Ordinance No. 1493, adopted February 5, 2003.]

CITY SPONSORSHIP OF EVENTS

7.920 City Sponsorship of Events.

The City recognizes that private events may contribute to public interest, to West Linn's citizens and to neighborhoods by providing entertainment, amusement, education and other benefits. In recognition

of the benefits to the City, its neighborhoods, and its citizens, the City may choose to sponsor private events held within the City that are determined to be in the public interest. A decision by the City Council to sponsor an event shall be made by the City Council by resolution.

[New Section 7.900 added by Ordinance No. 1493, adopted February 5, 2003.]

7.910 Support by City of Sponsored Events.

City sponsorship may include City support (cash payments, in-kind services, fee waivers, and/or access to City facilities or insurance) as identified in the sponsoring resolution. If City sponsorship includes cash payments, the sponsoring resolution will identify a targeted funding amount. A target amount may be adjusted, however, during the City's annual budget process. City sponsorship may include coverage by the City's insurance policies only with the written approval of the City Manager and Risk Manager.

[New Section 7.910 added by Ordinance No. 1493, adopted February 5, 2003.]

7.920 Sponsorship Policy and Agreements.

The City Council shall adopt a sponsorship policy and a form sponsorship agreement by resolution. Notwithstanding adoption of a form sponsorship agreement, each individual sponsorship agreement must be approved by resolution of the Council.

[New Section 7.920 added by Ordinance No. 1493, adopted February 5, 2003.]