

TITLE 5: BUSINESS TAXES, LICENSES AND REGULATIONS

Chapter

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CHAPTER 5.04: BUSINESS LICENSE GENERALLY

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§ 5.04.010 PURPOSE AND SCOPE.

The business license and permit provisions and the fees prescribed therefore imposed by the terms of this chapter are for revenue purposes only. Neither the acceptance of the prescribed fee nor the issuance of the applicable license or permit shall be construed to constitute a regulation on any business activity or a permit to engage in any activity otherwise prohibited by law or ordinance or a waiver of any regulatory licensing requirement imposed by any other ordinance of the city. (1981 Code, § 5.04.010) (Ord. 336, passed - -1989)

§ 5.04.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS: Any activity carried on with the intent:

1. That a profit be realized there from; and
2. That the profit, if any, inure to the benefit of owner or owners of the activity.

CANVASSER or SOLICITOR: As any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sale or not; provided, that such definition includes any person who, for himself, herself or another person, firm or corporation, leases or occupies any building, structure, hotel room or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

DOING OR TRANSACTING BUSINESS: Any act or series of acts performed in the course or pursuit of a business activity.

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

PEDDLER: Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this section is subject to the provisions of this section. The word PEDDLER includes the words HAWKER and HUCKSTER.

PROFIT. The excess of gross receipts over expense.
(1981 Code, § 5.04.020) (Ord. 336, passed - -1989)

§ 5.04.030 BUSINESS LICENSE REQUIREMENT.

No person, canvasser, solicitor or peddler, for him/herself or as agent or employee of another, shall do business within the city unless:

- (A) Such business has been duly licensed as provided in this chapter.
- (B) This license is valid at the time of the transaction.
(1981 Code, § 5.04.030) (Ord. 336, passed - -1989)

§ 5.04.040 ISSUANCE.

Upon receipt of an application duly signed and executed as prescribed in § 5.04.060, together with the required fee, the Recorder shall issue a business license to any applicant desiring to transact or conduct a lawful business within the city. Licenses so issued shall be valid until the thirtieth day of June next following the date of the issuance of the license or for a lesser period of time described in the application.
(1981 Code, § 5.04.040) (Ord. 336, passed - -1989)

§ 5.04.050 POSTING OF LICENSE.

(A) Except as provided in division (B) of this section, at all times after the issuance of the license, the licensee shall cause it to be posted in a conspicuous place upon the business premises available for inspection by the public and by employees and prospective employees of the business.

(B) Where the licensee has no office, business premises or other established place of business within the city, the license shall be in the possession of the representative of the business present within the city at all times during which business is being transacted by any employee or representative within the city and must exhibit the license at the request of any citizen.
(1981 Code, § 5.04.050) (Ord. 336, passed - -1989)

§ 5.04.060 CONTENTS OF LICENSE.

Licenses shall be issued to the applicant in the name of the business to be licensed and shall designate the nature of the business, the address, if any, of the business premises, the date of issuance and date of expiration.
(1981 Code, § 5.04.060) (Ord. 336, passed - -1989)

§ 5.04.070 TWO OR MORE BUSINESS PREMISES; TWO OR MORE BUSINESSES ON SAME PREMISES.

The conducting of a business or businesses at two (2) or more locations shall, for the purposes of this chapter, be deemed to be separate businesses and each thereof shall be subject to the license tax provided for in this chapter. If two (2) or more differently classified but related businesses are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily appropriated and based upon the total number of employees or other units on the whole premises shall be sufficient for all such activities; provided, any business activity leased under concession to or owned wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered.
(1981 Code, § 5.04.070) (Ord. 336, passed - -1989)

§ 5.04.080 TERM AND FEE.

(A) The business license term shall be for a fiscal year beginning July 1 and ending June 30 of the next year and business license fees are due annually on July 1 of the fiscal year for which the license is required and shall be delinquent thirty (30) days thereafter. License fees are not refundable.

(B) If after January 1, a person begins a business required to be licensed under this chapter, the original license fee shall be one-half of the annual rate.

(C) The license fee for any business taxed hereunder shall be computed by adding to a basic fee of eighty (\$80.00) dollars, the added sum of four (\$4.00) dollars for each employee over three, but no fee hereunder shall exceed the sum of four hundred (\$400.00) dollars per year. For the purpose of this subsection, the term EMPLOYEE shall mean and include:

1. A person having no ownership interest in the business other than the ownership of shares in a corporate business and who is regularly employed for twenty (20) hours a week or more by and under the supervision and control of the owner or owners of the business or their representative in the course of the business activities.
2. A natural person having an ownership interest in the business, who actively works full-time in and for the business.
3. In arriving at the number of individuals carrying on a business, the City Recorder shall count the proprietors, officers, partners and associates actively engaged in such business and the individuals employed regularly as defined in subsection (C)(1) of this section. Individuals employed by an owner or proprietor of a business who work entirely outside the corporate limits of the city shall not be counted. Individuals engaged in distributing, peddling or selling newspapers after or before public school hours or trade apprentices receiving no compensation shall not be counted.
4. An annual Parking District fee of twenty (\$20.00) dollars per required parking space shall be assessed for businesses located within the Parking District. Parking District fees are due each year on July 1; however, businesses owing non-delinquent Parking District fees in excess of two hundred (\$200.00) dollars may make two (2) equal semi-annual payments of one-half the total Parking District fee each, the first installment of which shall be due July 1 and the second installment of which shall be due January 1 thereafter. All Parking District fees shall be delinquent thirty (30) days after they are due. If a business required to be licensed under this chapter is begun after January 1, the Parking District fee shall be prorated for that year. The annual Parking District fee is in addition to the annual business license fee and must be paid simultaneously with the business license fee in order for a business license to be issued. Parking District fees are not refundable.

(1981 Code, § 5.04.080) (Ord. 336, passed - -1989; Am. Ord. 351, passed - -1990; Am. Ord. 523, passed 6-27-2002)

§ 5.04.090 SOLICITORS, CANVASSERS, AND PEDDLERS.

The license fee, which shall be charged by the City Recorder for solicitors, canvassers and peddlers license shall be ten (\$10.00) dollars per day. In the case of door-to-door solicitors and vendors, every person visiting with the intent to sell or deliver at a residential property must possess and carry a valid business license original. The fee shall be applied to each such person. In applying for a solicitor/vendor business license, a photocopy of the subject person's driver's license or acceptable alternative identification shall be provided to the City Recorder. In the case of a group solicitation, the organizational leader's identification may be substituted for individual identifications. The above provisions do not apply to individuals under the age of eighteen (18) or to Jacksonville-based non-profit organizations. The license fee shall be eighty (\$80.00) dollars per year for the Open House/Directional Real Estate Agent's Permit.

(1981 Code, § 5.04.090) (Ord. 336, passed - -1989; Am. Ord. 351, passed - -1990; Am. Ord. 579, passed 3-4-2008)

§ 5.04.100 GARAGE SALES, PATIO SALES AND YARD SALES.

(A) GARAGE SALES, PATIO SALES and YARD SALES are defined as the sale of merchandise at a residential site where the merchandise is generated through the normal accumulation of items by the parties involved in the sale and the items offered for sale were not purchased elsewhere specifically for resale.

(B) No more than two (2) garage sales, patio sales or yard sales shall be held at a given address within one (1) calendar year, and the total length of the sale or sales shall not exceed four (4) days.

(C) All garage sales, patio sales or yard sales shall be conducted between 8:00 a.m. and 8:00 p.m. (1981 Code, § 5.04.100) (Ord. 336, passed - -1989; Am. Ord. 351, passed - -1990)

§ 5.04.110 EVIDENCE OF DOING BUSINESS.

In the trial of any alleged violation of this chapter, evidence that the defendant made a public representation by way of advertisement by newspaper, radio, television or similar media or by signs conspicuously displayed for public view that such business was being conducted expressly or impliedly offering to sell goods or services in the course of such business to the public or any segment thereof shall constitute prima facie evidence that the defendant was transacting the business suggested by such public representation within the city on the date or dates during which such representations were made. (1981 Code, § 5.04.110) (Ord. 336, passed - -1989)

§ 5.04.120 PERMITS.

The city may require that a business enterprise obtain a permit in addition to a business license in order to engage in a particular business activity as prescribed by ordinance. (1981 Code, § 5.04.120) (Ord. 336, passed - -1989)

§ 5.04.130 SPECIAL USE PERMITS.

The city may require that a business enterprise obtain a special use permit, as prescribed by ordinance, in order to engage in business activities of less than a year duration that will be an impact on the public activities of the city and its residents. (1981 Code, § 5.04.130) (Ord. 336, passed - -1989)

§ 5.04.140 PERMIT APPLICATION.

Any person desiring a permit under the provisions of this chapter shall make application on the appropriate form(s) provided by the City Recorder or his or her designee. Such application shall be submitted at least fourteen (14) days prior to the date on which such person desires to conduct the activity for which said permit is required. If such activity requires a special use permit, the application must be made four weeks in advance. The city may waive the requirement that applications be filed four (4) weeks in advance when it is determined that neither the city nor the general public will be inconvenienced or harmed by doing so. (1981 Code, § 5.04.140) (Ord. 336, passed - -1989)

§ 5.04.150 PERMIT FEES.

Each application shall be accompanied by a fee as established by the City Council and shall augment and be in addition to the regular business license required in this chapter. (1981 Code, § 5.04.150) (Ord. 336, passed - -1989)

§ 5.04.160 PERMIT ISSUANCE, CONDITIONS.

(A) The City Council shall approve issuance of the permit as provided in this chapter when, from a consideration of the application and from such other information as may be otherwise obtained, it is found that:

1. The conduct of said activity will not unduly interfere with routine traffic or pedestrian movement or endanger the welfare and safety of the public.
2. The conduct of such activity will not unduly interfere with the normal governmental or municipal operations, threaten to result in damage or detriment to public or private property or result in the city incurring costs or expenditures in either money for personnel or services which are not reimbursed in advance by the applicant.
3. The conduct of such activity will not constitute a fire and/or safety hazard and all prudent and reasonable precautions will be taken.
4. The conduct of such activity will not require the diversion of so great a number of city personnel whereby adequate public safety can not be afforded.
5. The conduct of such activity will not unduly affect public health, safety or general welfare of residents or businesses in the area.

(B) The decision of the City Council to issue, conditionally issue or not issue a permit shall be final unless the applicant elects to request formal appeal rights to a hearing before the City Council at the next available meeting. To appeal, a written appeal request must be submitted within five (5) working days of the date of the rendering of the appealed decision.

(1981 Code, § 5.04.160) (Ord. 336, passed - -1989)

§ 5.04.170 COST OF ADDITIONAL SERVICES.

If it is deemed necessary by the city to require additional police, fire or other services, these shall be provided for the purposes of protection, assisting and regulating the proposed activity. The cost of providing said additional services shall be paid to the city by the applicant and any additional services shall be coordinated through the City Recorder or his or her designee.

(1981 Code, § 5.04.170) (Ord. 336, passed - -1989)

§ 5.04.180 HOLD HARMLESS AGREEMENT.

The applicant shall execute a hold harmless agreement as provided by the city prior to the city issuing the required permit(s). (1981 Code, § 5.04.180) (Ord. 336, passed - -1989)

§ 5.04.190 CONDITIONS; RESTRICTIONS.

The applicant shall fully comply with all conditions and/or restrictions that the City Council may impose as condition of issuance pursuant to the provisions of this chapter when such conditions or restrictions relate to the provisions of this title. No changes in the date for which the permit has been issued shall be made without first obtaining the approval of the city and provided that the established time limitations are complied with.

(1981 Code, § 5.04.190) (Ord. 336, passed - -1989)

§ 5.04.200 CLEANUP AND RESTORATION.

The applicant shall conduct operations in an orderly manner with diligent and continuous attention to the storage of equipment not in use and cleanup of all litter, trash and debris. Any area utilized shall be fully cleaned of all trash and debris within four (4) hours of the completion of a particular activity. The applicant shall be responsible for restoring any/all area modified, altered and/or damaged in any way prior to leaving the site. If the site is not restored or repaired to the city's satisfaction, the City Council shall have any/all necessary restoration and/or repairs performed and shall charge all necessary work to the permittee.

(1981 Code, § 5.04.200) (Ord. 336, passed - -1989)

§ 5.04.210 SANITARY FACILITIES.

The applicant shall furnish one (1) portable toilet facility for each twenty (20) persons or fraction thereof employed or engaged in the activity of the permit.

(1981 Code, § 5.04.210) (Ord. 336, passed - -1989)

§ 5.04.220 APPLICATION; FORM.

(A) Applications for business licenses or permits shall be submitted on forms to be provided by the Recorder. Every application shall be signed by the owner or his or her duly authorized agent and shall contain the following information at a minimum:

1. Name of person or persons owning business.
2. Assumed business name, if any.
3. Address of business premises or business mailing address, if different.
4. Nature of business.
5. Number of employees as of date of application, if applicable.
6. Where the business includes activities classifiable in two (2) or more categories, the primary or predominant activity.
7. Where the business premises of an applicant are situated outside the city, the number of employees to be engaged in the transaction of the business within the city. The license or permit issued on the basis of the application shall be valid only to permit the specified number of employees to transact business within the city at any one (1) time.

(B) License and permit fees shall be computed on the basis of information contained in the application, and no person shall knowingly sign or submit a business license application containing false information.

(1981 Code, § 5.04.220) (Ord. 336, passed - -1989)

§ 5.04.230 REVOCATION.

(A) Licenses and permits issued under the provisions of this chapter may be revoked by the City Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license or permit.
2. Fraud, misrepresentation or false statement made in the course of carrying on business or business as solicitor, canvasser or peddler.
3. Any violation of this chapter.

(B) Notice of the hearing for revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed postage prepaid to the licensee at his last known address at least five (5) days prior to the date set for hearing. (1981 Code, § 5.04.230) (Ord. 336, passed - -1989)

§ 5.04.240 VIOLATION: PENALTIES.

(A) Any person violating any provision of this chapter shall, upon conviction thereof, be punished by fine of not more than one hundred (\$100.00) dollars, or by confinement in the county jail for a term of not to exceed ten (10) days, or by both such fine and imprisonment in the discretion of the court.

(B) Every full business day during which any business activity continues to be conducted in violation of this chapter shall be deemed a separate offense.

(C) No license or permit shall be issued to any person hereunder if such person has, previous to making application therefore, conducted a business within the city while this chapter was in effect without a current, valid license or permit issued hereunder, unless such person pays an additional amount equal to the license and permit fees for the period during which such business was thus conducted.

(D) The remedies specified in divisions (A) and (C) of this section shall not be deemed exclusive and, at the option of the city, amounts due and payable hereunder by way of business license or permit fees may be collected from the owner or owners of the business involved by action at law in any court of competent jurisdiction in the state.
(1981 Code, § 5.04.240) (Ord. 336, passed - -1989)

CHAPTER 5.08: FORESTRY REGULATIONS

Section

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5.08.130	Forestry, Non-Forestry, and Commercial Operations not subject to CFP Regulations

§ 5.08.010 PURPOSE.

(A) The Forestry Ordinance (FO) provides a legal means to protect, enhance and manage the beauty and character of the City's forests, forest groves, trees and other natural resources by regulating Commercial Forest Operations and Other Commercial Operations that may impact these resources within the City Limits.

(B) Provides local forest practices regulations, under the Forestry Ordinance, that meet or exceed the requirements specified in ORS 527.722(5), allowing the Oregon Department of Forestry to shift the responsibility for regulating forest practices defined for the FPA in ORS 527.722(7), within the Jacksonville City Limits.

(C) The Forestry Ordinance within the Community Forestry Plan supersedes chapter 5.08 under title 5, titled: Logging Regulations.
(1981 Code, § 5.08.010) (Ord. 266, passed - -1981; Am. Ord. 581, 5-6-08) Penalty, see § 5.08.020

§ 5.08.020 OBJECTIVE.

(A) Protects vegetation, soil, air, water, and fish and wildlife.

(B) Is in compliance with applicable ORS and FPA provisions.

(C) Has been developed through a public process.

(D) Was developed for the specific purpose of regulating activities that affect forests and forest resources.

(E) Was developed in coordination with the Oregon Department of Forestry, pursuant to ORS 527.722 (5).
(1981 Code, § 5.08.020) (Ord. 266, passed - -1981; Am. Ord. 581, 5-6-08)

§ 5.08.030 EXISTING ORDINANCES, REGULATIONS, PLANS AND LEGAL DOCUMENTS.

The FO does displace the FPA within the City Limits. It does not displace other existing municipal ordinances, regulations or legally binding documents. An example of an existing legally binding document is the Conservation Easement affecting management of several City properties that is administered by the Southern Oregon Land Conservancy.

(1981 Code, § 5.08.030) (Ord. 266, passed - -1981; Am. Ord. 581, 5-6-08)

§ 5.08.040 AREA OF JURISDICTION.

The CFP and the FO apply to all properties within the City limits of Jacksonville. In the event the City makes an intergovernmental agreement with the county, the CFP jurisdiction could be expanded to the Urban Growth Boundary. The Oregon Department of Forestry retains authority for all “forest practices” conducted on “Forestland” as described by the FPA, other than those forests within the City limits of Jacksonville.

(1981 Code, § 5.08.040) (Ord. 266, passed - -1981; Am. Ord. 581, 5-6-08)

§ 5.08.050 JURISDICTIONAL AUTHORITY OF FORESTRY ORDINANCE.

(A) City of Jacksonville-acquired authority: It is the City’s responsibility to manage, maintain, and control forested sites, individual resource trees and other natural resources within the City limits through regulations contained within the FO. The FO regulates Operations conducted by landowners, landowner committees, associations and contractors in performing commercial projects within the City limits that may impact forested sites, individual resource trees and other natural resources. Certain non-commercial, minor projects done by landowners may be exempted if their impacts to City resources are expected to be insignificant.

1. Commercial Forest Operations (CFO): The FO provides the regulations and policies for the CFO that may impact forested sites, individual resource trees and other natural resources in the City. The Ordinance also includes references to selected Forest Practice Administrative Rules and selected provisions of the Oregon Forest Practices Act which are incorporated by reference and administered by the City.
2. Non-Forestry Commercial Operations: Non-Forestry, Commercial Operations such as quarrying, irrigation ditching, water improvement projects, trail construction and others that are conducted within the City and may impact forested sites, individual resource trees and other natural resources are also regulated by the FO and other City Ordinances. These operations do not have forestry as a primary objective.

(B) Oregon Department of Forestry (ODF) Retained Authority within City Jurisdiction:

1. Landowners or Commercial Operators are required to obtain a Permit from the ODF, under ORS 477.625, to use fire or Power-Driven Machinery in their Operation on “forestland” and defined in the FPA.
2. Oregon State law also requires the landowner or operator to file a Notification of Intent to harvest when Commercial Operations are conducted on “forestland” as defined in the FPA. The Notification of Intent to Harvest is required for tax collection purposes under ORS 321.550 and provided to the Oregon Department of Revenue.
3. Certain landowners whose forest property is classified as Forest Resource (FR) may retain FPA jurisdiction in the City Limits.

§ 5.08.060 DEFINITIONS APPLICABLE TO THE COMMERCIAL FORESTRY PLAN AND FORESTRY ORDINANCE.

Commercial Forest Operation: Commercial Operator: Defined as, a means of or pertaining to buying or selling of forest product commodities or related services. This includes any activity undertaken with the intent of generating income or profit; any activity in which an operator or timber owner receives payment or barter from a landowner for services that require notification under ORS 321.550; or any activity in which the landowner, operator or timber owner barter or exchanges forest products for goods and services. This includes operations in forests located in the urban growth boundary that may impact forests, trees or other natural resources. These operations may involve the use of earth moving equipment, tractors, tree harvesting equipment (including chain saws) or other resource extraction or construction equipment. Activities would include but are not limited to: tree felling, tree harvesting, tree thinning, fuel reduction, land clearing, construction, reconstruction, mining, management, and maintenance. A Commercial Operator would be a person or organization engaged in performing activities as defined above.

Non-Forestry, Commercial Operations: Non-Forestry / Commercial Operations and Non-Forestry/Commercial Operators are defined the same as Commercial Forest Operations but include all other operations not having forestry as a primary objective. They may occur outside of forested sites within the City Limits but may impact forested sites, individual resource trees or other natural resources. They may or may not be adequately regulated by other City ordinances. These operations may include but would not be limited to; quarrying, irrigation ditching, water improvement projects, farming, animal husbandry, orchards, trail construction.

Operations Plan: Plan submitted by landowners or Commercial Operators to the City for Commercial Forest Operations and Non-Forestry, Commercial Operations that are proposed to be conducted in the City Limits and may impact natural resources.

Silvicultural Prescription: A plan for treatment of trees that may include methods of harvest, thinning, salvage, insect and disease treatment, treatment by tree sizes, species, aspect, species succession, timing of treatments, reforestation and other aspects of tree culture.

Other Definitions: (Also see definitions in ORS 527.620 and OAR 629-600-0100)

Aspect	Direction slope faces: Example, North.
Forest Grove	Group of trees in a common site
Basal Area	See FPA definitions.
Brush Species	Woody Vegetation not of tree height: Example: Manzanita.
Cambium layer	Active growing tree tissue immediately under the bark of trees and other woody plants.
Clearing	Removal of vegetative, usually woody, materials prior to a construction activity or for fire safety.
Commercial Harvest	Removal of commercial forest products for profit or barter.
Community Forest Plan	Jacksonville's plan for management and protection of, forested sites, individual resource trees and other natural resources within the City limits.
Contract	Legal binding agreement between a contractor and the City.
Contractor Insurance	Liability and Workman's Compensation insurance purchased by a contractor to protect the City.
Danger Tree	Tree that is damaged, diseased and/or in a position that may cause it to disintegrate or fall and cause injury or property damage.
Environmental Assessment	Assessment of natural resource impacts and interactions. Usually associated with a proposed project.
Environmental Impact Statement	Formal environmental study associated with a proposed project that has alternatives and formal public involvement.
Fire Management Plan	Approved document to prevent or manage fire and fuels in an area.
Forest/Urban Interface	Zone of forest containing homes near a community.
Fuel Reduction	Removal of forest fuels, vertically or horizontally, that would promote forest fire intensity or spread.

Hazardous Fuels	Vegetation that would promote the ignition or spread of wildfire.
Historic High Water Level	Level of water in streams during highest storm water event as determined by historic marks on stream banks, riparian areas or vegetation.
Jurisdiction	Having official authority for a particular action or area.
Non-Commercial Activity	Not-for-profit activity.
Noxious Weed Species	Introduced plant not native to the area that poses a threat to dominate other plant habitats.
Merchantable Material	Marketable and saleable forest and related products.
Permit	Grant by an authority to allow a certain activity or performance of a project.
Power Driven Machinery	Machinery used in “forestland, utilizing a source of power such as electricity or internal combustion.
Riparian Management Area (RMA)	Administratively defined zone along waterways, lakes and wetlands where specific protection practices are required.
Site Class	See OAR 629-610-0020(4), (5) and (6)
Slash	Residual materials from a forest operation, such as tree tops and limbs that are usually in excess to the tree harvest.
Soil Compaction	Compression of soil by equipment, animals or humans. (May be permanent).

Special Forest Product	Forest product other than logs; such as ferns.
Species	Natural organism having like genetic characteristics and appearance (e.g. Sugar pine)
Species Conversion	Replacing a dominant plant species with another.
Tree Stocking	Density and arrangement of forest trees.
T & E Species	Species recognized as threatened, endangered or sensitive on State and/or Federal lists.
Tree Thinning	Reduction of trees for increased growth, fuel reduction, species selection, forest health.
Vegetative Succession	Process of vegetative advancement of a forest site. Example: from grasses to mature forests.
Water Bar	Angular, shallow ditch across a road or trail to route drainage water into natural vegetation for filtration.
Water Dip	Angular, rolling depression in a road or trail to route drainage water into natural vegetation for filtration. Much deeper than a water bar.

§ 5.08.070 PROVISIONS OF THE OAR AND FPA INCORPORATED BY REFERENCE.

(A) The following selected divisions of the Oregon Administrative Rules (OAR 629 through 665) and following selected provisions of the Oregon Forest Practices Act (FPA), (ORS 527.610 to 527.770) are adopted by reference for use by the City in review of Operations Plans submitted by landowners. The City will be responsible for the administration and enforcement of the referenced OAR and FPA provisions and for consultation with the Oregon Department of Forestry regarding questions and interpretations and to assess future OAR and FPA provisions for inclusion into the CFP. In order for the provisions to be applicable for administration by the City, they will be modified during the Operations Plan process to add language pertinent to the City and the Operations Plan and remove references to any OAR that does not apply in City Limits.

(B) Under (8), below, the City provides more detailed regulations and instructions to Landowner's and Operators pertaining to Commercial Operations, Operations Plans and Operation Permits.

OAR Selected Divisions:

- a. Division 600, Definitions.
- b. Division 605, Planning Forest Operations.
- c. Division 610, Reforestation Rules.
- d. Division 615, Treatment of Slash Rules.
- e. Division 623, Shallow, Rapidly Moving Landslides and Public Safety.
- f. Division 625, Road Construction and Maintenance Rules.
- g. Division 630, Harvest Rules.
- h. Division 635, Water Protection Rules: Purpose, Goals, Classification and Riparian Management Areas.
- i. Division 640, Water Protection Rules: Vegetation Retention along Streams.
- j. Division 645, Water Protection Rules: Riparian Management Areas and Protection for Significant Wetlands.
- k. Division 650, Water Protection Rules: Riparian Management Areas and Protection Measures for Lakes.
- l. Division 660, Water Protection Rules: Specific Rules for Operation near Waters of the State.
- m. Division 665, Specified Resource Site Protection Rules.

FPA Selected Provisions:

- a. 527.620, Definitions.
- b. 527.665, Notice of reforestation requirements in forestland transfers.
- c. 527.670, Commencement of Operations; when notice and written plan required; notice of chemical application; appeal of plan.
- d. 527.676, Leaving snags and down logs in harvest type two (2) or type three (3) units; green trees to be left near certain streams.
- e. 527.683, Notice of Violation.
- f. 527.685, Civil penalty considerations.
- g. 527.690, Failure to comply with order to reforest or repair damage; estimate of cost of repair; notification; order for repair completion; cost of repair as lien upon landowner.
- h. 527.710, Rules to protect resources; inventory for resource protection; consultation with other agencies required.
- i. 527.722, Restrictions on local government adoption of rules regulating forest operations; exceptions.
- j. 527.724, Forest operations to comply with air and water pollution control rules and standards; effect of violation.
- k. 527.745, Reforestation of certain harvest types.

§ 5.08.080 THE FOLLOWING COMMERCIAL OPERATIONS ARE SUBJECT TO THE CFP REGULATIONS AND REQUIRE AN OPERATION PLAN AND OPERATION PERMIT FROM THE CITY, UNLESS EXEMPTED OR ADEQUATELY PROTECTED UNDER OTHER STATE OR CITY REGULATION.

(A) All Commercial Operations that may affect streams, wetlands, ponds and riparian areas. None of the streams in the City Limits contain fish at this time or are used for domestic water sources. Jackson Creek and Daisy Creek are the largest streams and are classified by the ODF as a medium size, non-fish bearing streams. Both creeks have intermittent flows. The FPA and the City require a fifty (50) foot Riparian Management Area (RMA) on each side of the stream, measured on the slope, from the historic high water line. The understory vegetation and the number of trees (conifers and/or hardwood) and/or the equivalent basal area to remain in the riparian area after a tree harvest adjacent to these two (2) streams is described in the FPA rule under Siskiyou, Medium Type N Streams, Harvest Type 1,2,3 or Unclassified. Other intermittent medium and small sized streams in the UGB will also require protection based on their ODF classification. Operations within or near lakes, ponds or wetlands will comply with the FPA rules or the provisions in Chapter 18.20 Environmental Standards or both depending on whether the operation is forestland related or a commercial land development project. A survey to determine the presence of these aquatic related natural resources may be required by the City and would be provided in the Operations Plan. A copy of the FPA stream RMA requirements is available in the City offices.

(B) All Commercial Forest Operations that may impact forested sites, individual resource trees or other natural resources within the City Limits not exempted or protected under other City regulation. This includes lands to be developed or subdivided that were previously zoned Forest Reserve (FR).

1. Commercial Forest Operations involving harvesting of trees and other forest products including but not limited to the following practices:
 - (a) Road construction and maintenance (soil disturbing projects).
 - (b) Tree falling.
 - (c) Log removal (skid trails and log yard methods).
 - (d) Log landings (loading points).
 - (e) Log hauling (access to and from operations).
 - (f) Disposal of logging slash materials and woody refuse.
 - (g) Reforestation (planting and seeding of trees and shrubs).
 - (h) Site rehabilitation (seeding, mulching).
2. Commercial Forest Operations defined as forest development including but not limited to the following practices:
 - (a) Tree thinning.
 - (b) Pruning.
 - (c) Tree planting.
 - (d) Fertilization.
 - (e) Species conversion.
 - (f) Reduction of vegetative by mechanical methods.

3. Commercial Forest Operations on public and private lands to protect property and resources from wildfire damage including but not limited to the following practices:
 - (a) Fuel reduction (manual, mechanical brush treatment, grass removal), piling, burning.
 - (b) Chipping.
 - (c) Fuel break construction (unless emergency)

4. All Commercial Forest Operations will be done in accordance with a Silvicultural Prescription (see .06, F, 4. Definitions).
 - (a) All trees to be removed will be pre-marked by the operator or landowner in accordance with the Silvicultural prescription and approved by the City after a field inspection.
 - (b) All roads and trails planned to yard logs or other forest products will be pre-marked by the operator or the landowner and approved by the City after field inspection.
 - (c) All log landings and log loading points will be pre-designated and approved by the City.
 - (d) Log and equipment hauling routes will be pre-approved by the City.
 - (e) Periods of operation will be from May 1 to October 31 each year unless changed by the City in a written, approved document.
 - (f) Daily operating periods are from 7:00 am to 6:00 pm but within daylight hours unless changed by the City in a written document. Timing of certain activities, e.g. chain saw use, may be limited by ODF fire prevention regulations during the fire season.
 - (g) Treatment of logging slash and non-merchantable material will be in accordance with the Fire Management Plan and Chapter 8.08, titled Fire hazards.
 - (h) Treatment of disturbed soil and rehabilitation of trails, log landing, yard and haul roads will be in accordance to the Operations Plan.

(C) Non-Forestry commercial operations that may affect forests, trees or other natural resources including but not limited to the following practices include:

1. Forest road or trail construction and reconstruction.
2. Ground preparation for building construction.
3. Pond and irrigation development.
4. Stream modifications.
5. Subsurface ground disturbing activities.
6. Commercial mining operations on public and private lands that impact forests.
7. Commercial operations that may compact soil or impact tree root zones.
 - (a) Where underground utilities cannot avoid being placed within the drip line of resource trees, tunneling a minimum of two (2') feet in depth shall be the means of installing these utilities.

- (b) Underground utilities to homes and businesses from the street right of way are to be located as far as possible from all trees or tree planting locations. If utilities must be placed within the drip lines of resource or heritage trees, lines shall be tunneled a minimum of two (2') feet in depth and kept as far from the tree trunk as possible, and in no circumstance within five (5') feet of the trunk.

§ 5.08.090 OPERATION PLAN REQUIREMENTS TO OBTAIN AN OPERATION PERMIT.

An Operation Plan for the proposed removal or disturbance of natural resources as described above will be submitted to the City. The Plan will contain map(s) or photographs of equal scale, not to exceed one (1) inch = five hundred (500') feet.

(A) Landowners and operators are required to have an Operation Planning Meeting with a City official named below, to discuss the proposed operation and obtain information regarding the completion, filing and approval of the Operation Plan and the issuance of an Operation Permit.

(B) The written Operation Plan will be signed by the landowner and the operator and be reviewed by the appropriate City official(s), (Public Works Director, City Planner, and City Administrator) Recommendations for modifications to the plan will be made to the applicant. Acceptable plans will be forwarded to the City Council for approval and the authorization to issue an Operation Permit required by the City. A pre-work conference is required prior to starting an operation.

(C) The completed Operation Plan will include information for each of the following items:

1. Name address and phone numbers of landowner(s), operators, contractors and/or subcontractors.
2. Description of operation that is planned.
3. Date operation is expected to begin and end.
4. Lists of permits (local, State, Federal) required commencing an operation.
5. Environmental Assessment or Environmental Impact Statement if deemed necessary by City officials. (discussed in planning operation meeting)
6. Resources affected (animals, vegetation, cultural, historical) and their location, if known. (including presence of threatened, endangered or sensitive plant or animal species.) (see f, below: Detailed instruction for resources and people affected.)
7. Extent of direct and indirect impacts expected, if known, to resources and people. (see Code of Jacksonville, (COJ), Chapter 9.12), visual quality, noise; (see Chapter 8.04.150) and dust.
8. Mitigation proposed to reduce impacts. e.g. (planting of grasses, shrubs, trees).
9. Impact expected to existing roads and other infrastructure.
10. Roads and other construction, reconstruction, maintenance needed.
11. Type and quantity of product to remove and haul routes to be used.
12. Silvicultural prescription, harvest plan, including plan for take and leave trees.
13. A Fire Management Plan as described below.
14. A Reforestation Plan as described below.
15. Other provisions required by the City.

(D) Fire Management Plan: (Fire Plan) will be submitted to the City by the operator or the landowner as part of the Operations Plan. A Fire Plan is needed to prevent the occurrence and spread of accidental fire on commercial forest operations.

1. The Fire Plan will describe equipment, water and trained personnel available for the Operation.
2. The Fire Plan will describe the proposed disposition or modification of flammable forest fuels on the operation site while the operation is active and the final disposition of fuels before the operation is terminated.
 - (a) Based on an approved Fire Plan, fuels could be transported completely out of the operating area. e.g. (woody material could be transported to Biomass One).
 - (b) Based on an approved Fire Plan, flammable material could also be modified to render it non-flammable e.g. chipping.

Note: Material cannot be burned within the Jacksonville City Limits unless approved by the City Council.

3. Roads and access routes must be free of flammable material at the end of each day. Equipment must not block roads and access routes for longer than one hour during operations.
4. Commercial forest operations will be required to obtain a permit to operate power driven machinery from the Oregon Department of Forestry. (See Notifications and Permits required by the ODF under (6) Definitions).
5. Commercial forest operations are also required to comply with City regulations titled Fire Hazards under Chapter 8.08.

(E) Reforestation Plan for Commercial Forest Operations and Non-Forestry Commercial Operations requiring an Operation Plan:

1. Landowners planning Commercial Forest Operations or Non-Forestry Commercial Operations requiring an Operation Plan must submit a Reforestation Plan. The City will meet with the landowner and operator to provide guidance in these plans, such as: Leaving adequate residual tree stocking on the property to minimize the need to do post harvest reforestation; Type(s) of trees to plant (size, species, quantities, locations etc); Tree requirements in riparian corridors; Ordering seedlings for planting.
2. Landowners responsible for harvesting areas where tree stocking has become inadequate will follow the Reforestation Rules of the Oregon Forest Practices Act (FPA), Chapter 629, Division 610. The landowner shall increase stocking that meets the applicable productivity-based stocking standards described in the rules. The productivity-based stocking standards for the Jacksonville area would be Site Class 4, 5, or 6. The reforestation standards for these Site Classes can be found in the Oregon Forest Practices Act under 629-610-0020, (5)-(10). Additional reforestation or forest development requirements may be required based on consultations with the City.
 - (a) Commencing Reforestation: Reforestation, if needed, will commence during the first season after or during commercial operations when weather is complimentary to survival and growth of newly planted seedlings or trees.

Operations cannot disturb newly planted trees. Early February is a preferred time for planting seedlings. Later spring months may be acceptable for trees with balled roots or trees transplanted with most of the soil and roots intact. Trees to be planted will be of acceptable species and size and be derived from a seed source compatible to the area to be planted.

- (b) Post Reforestation Survey and Re-planting Requirements: Post reforestation stocking surveys will take place the first fall season after planting and every fall season thereafter, until adequate reforestation of free-to-grow trees are achieved or re-planting is needed as required under the FPA. Stocking surveys will be performed by a professional forester and verified by the City Forester and Public Works Director. Stocking surveys and verification surveys will be paid for by the landowner. Re-planting will be done by landowner each spring season after fall surveys determine that reforestation is inadequate (based on surveys and verification as above) and tree stock is available. City will evaluate, each year, whether to allow landowner to perform re-planting or to have City complete additional re-planting at the expense of the landowner. City will charge landowner for City Forester's reforestation inspections, surveys and verification of other forester's surveys.
- (c) City Performed Reforestation Requirements: If City decides to perform re-planting; they would charge landowner reasonable expenses for time, materials, surveys and other expenses associated with the reforestation project. If City decides to perform re-planting, landowner would be free from additional re-planting expenses except for the expense of the next fall survey performed by the City forester.

- 3. Other provisions of the FPA from 629-610-0030 to 629-611-0020 may apply to a landowner's property for specific reforestation situations.

(F) Wildlife management requirements for the Operation Plan:

- 1. Wildlife resources and their habitats are very important to the environment and to citizens of Jacksonville. Wildlife species and their habitats, if known, will be addressed in the plan by identification of the species and its habitat.
 - (a) Disturbance of Threatened, Endangered (T & E) and Sensitive wildlife species is prohibited. Proper timing may allow for operations in habitats of T& E and sensitive species if approved in the Operation Permit. Federal and state listed threatened, endangered and sensitive wildlife species and their habitats are required to be protected by federal and state agencies. The City may require protection of additional wildlife species and habitats. Landowners and commercial operators must take care to avoid contact with wildlife and not adversely affect habitat that the wildlife is known to use. Wildlife nests are an example.
 - (b) Landowners and commercial operators will notify the City Public Works Director if listed species of threatened, endangered, or sensitive wildlife are

seen in an operation area. Prior to the approval of an operations plan, commercial operators or landowners may be required to conduct formal surveys, as directed by the City, and provide maps showing survey routes, and the presence or absence of certain wildlife species, wildlife trees and wildlife habitats. City Verification of survey results will be paid for by the landowner.

- (c) All construction plans for forest roads, trails, water features and landings will avoid habitat of listed wildlife species. If project plans are in the vicinity of listed species, the sites may be reviewed by federal, State or City officials.
- (d) Landowners and commercial operators must preserve designated wildlife trees, snags and resource trees. Individual tree exceptions may be made by the City Forester if a tree presents a safety hazard. Buffer zones may need to be provided to protect known or designated wildlife habitats and wildlife trees.
- (e) Protection of possible impacts to designated wildlife, wildlife habitat and wildlife trees will be discussed in the operation planning meeting.
- (f) Mitigation of possible impacts to designated wildlife, wildlife habitat and wildlife trees will be discussed in the operations planning meeting.
- (g) Violations for damage or destruction of designated wildlife, wildlife habitat and wildlife trees will be accompanied by a fine of five hundred (\$500.00) dollars for each wildlife species, wildlife habitat or wildlife tree affected.

(G) Botanical requirements for the Operation Plan:

- 1. Landowners and commercial operators planning ground disturbing activities must take care to avoid disturbing threatened, endangered (T & E) or sensitive plant species designated on State and Federal lists. An example is *Fritillaria Gentnerii*, a threatened species in Jacksonville with numerous known locations in the urban growth boundary. Operation plans will contain a map showing the location of T & E plant locations that may be affected by the planned activities.
 - (a) Landowners or Commercial operators will conduct formal surveys for *Fritillaria Genterii* and other designated T & E Plants in areas not previously surveyed. City Verification surveys will be paid for by the landowner. If T & E plants are found, their locations will be shown in an Operations Plan map. The locations of plants will be discussed at the pre-work conference.
 - (b) To prevent the introduction of noxious weed species, commercial operators will be required to steam clean equipment that will be used on lands in the City Limits.
 - (c) Violations for damage or destruction of known or designated T & E or other sensitive plants will be accompanied by a fine of five hundred (\$500.00) dollars for each plant affected.

(H) Archeological requirements for the Operation Plan:

1. Jacksonville has a considerable number of historical and archeological sites associated with mining and early pioneer life that require protection.

- (a) Landowners and commercial operators must protect known and suspected archeological sites. Landowners and commercial operators planning ground disturbing activities must consult with the City to determine if historical or archeological sites would be impacted by a proposed operation. Discussions regarding known archeological sites and procedures for disclosure of newly discovered sites will also take place at the operation planning meeting.
- (b) If required by the City, landowners and commercial operators will conduct formal surveys for archeological sites in areas previously not surveyed. Results of the survey will be shown in the Operation Plan. City verification surveys costs will be paid for by the Landowner.

(I) Geology, soil and water requirements for the Operation Plan:

1. Special attention is given to commercial operations' affects on soil and water resources because they are usually associated with ground disturbing activity. Discussions on soil and water impacts, erosion and mitigations will be discussed at the operation planning meeting.

- (a) Reference: Comprehensive Plan, Environmental Element, Geology, Soils and Natural Hazards, pages 5-9; City Codes, Chapter 18.20, Environmental Standards, Paragraph 18.20.060, Erosion Control Standards.
- (b) Discussion: The maintenance of live vegetative cover is the preferred means of preventing the loss of soil by erosion. Covering the soil with artificial or organic material may prevent erosion but is not preferred for larger areas or for long periods of time. Water movement in sheets, rills or streams is the most prevalent cause of soil erosion in our area. Raindrop erosion is usually less important. Significant erosion, property and resource damage can occur in our area as a result of the mass movement of soil (landslides). Steeper slope gradients forty five (45 %+) percent plus, coupled with saturated soils are the two main factors causing landslides. Other factors such as soil type or soil disturbance caused by a natural or human event may provide the trigger to start a landslide. A landslide trigger example may be an uprooted tree or water re-routed to a slide prone area. Since Western Oregon topography is naturally steep, certain landscapes may be prone to landslides by only the addition of excess water. The thawing period subsequent to an extended frost event is often a time of landslide danger, particularly if accompanied by a warm, wet storm event.
- (c) Important information to provide in the Operation Plan regarding geologic and soil risks:
 - (aa) Identify and map areas where certain soil, water or geologic risk factors exist. (see below)

- (bb) Slopes that have been undercut by streams, roads, or other excavation particularly if soil is a shallow layer over rock.
 - (cc) Water that has been routed to an area above a steep embankment; Areas that have had surface vegetation or trees removed by natural or artificial means; Areas where water is allowed to stand above steep embankments.
 - (dd) Steeper areas, particularly in draws and headwalls, where soil is perched on steep rock parent material.
 - (ee) Steeper areas where large trees are growing on shallow soils that are perched on rock parent material.
- (d) In Operation Plans that propose soil disturbing activities in the City, the following practices will be thoroughly described, designed and mapped:
- (aa) Site plan for routing normal and excess water.
 - (bb) Site plan for the installation of culverts, bridges, water bars, water dips, water barriers and settling basins.
 - (cc) Plan for removal of the soil duff layer, ground vegetation and trees.
 - (dd) Plan for the rehabilitation of the site, including stockpiled and replacing soil resources, seeding, mulching, matting, armoring and tree planting. (Including species of seed, trees and materials)
 - (ee) Plan for the reduction of soil compaction and other mitigation measures.
 - (ff) Site plan for the prevention of landslides (rip-rap plans, retaining walls, water filtration, bank stabilization, avoiding or minimizing disturbance).
 - (gg) Road and trail designs that comply with City standards: Providing details for clearing, grades, cut and fill volumes, disposal of materials, plans as stated above.
- (e) Additional erosion control requirements for commercial operations that may be discussed in the operation plan meeting and be required by City.
- (aa) All soil disturbed by commercial operations will be restored to its original grade and drainage as much as possible prior to the rainy season or by October 15th of the same year as the operation causing the disturbance. New drainage structures will incorporate erosion reducing designs and durable materials that return water to natural drainage in the most effective manner.
 - (bb) Disturbed soil may require mulching as soon as ground-disturbing activity is completed. Planting or seeding will occur as soon as weather will allow for seed germination and plant growth. Mulch material should be non-permanent or not conducive to the spread of fire in the fire season. Native plants should be reestablished in disturbed areas. Retaining stumps and roots may be important until new plants are established. Maximize the number of points where road and other surface runoff is directed to into natural vegetation

areas for sediment filtration to minimize concentrations of water and possible erosion.

- (cc) Avoid excavation and other ground disturbing activities during the rainy season, October 31 through April 31 or during storm events that saturate the surface soil and cause excess water to run off.
- (dd) Drainage structures will be installed at all crossings of natural waterways for newly constructed, reconstructed or maintained roads according to the Operations Plan or as determined by City. This would include but not be limited to; bridges, culverts, water-dips, water-bars, catch basins, ditches (rocked or un-rocked).

(J) Riparian Management Area (RMA) requirements for the Operation Plan: Riparian Corridor and Top of Bank are defined in City Codes 18.20.070, D. A Riparian Corridor is better referred to today as a Riparian Management Area. (see definitions page 45)

1. Operation Plans will describe any need to operate in or near a RMA set aside for the protection of aquatic resources. Construction activities cannot occur within the RMA unless pre-approved by separate City regulation or City Council Resolution. Plans for crossing a RMA must be discussed in the Operation Plan and meeting. Any crossing structure will be temporary if possible.
2. Trails constructed for recreation will be designed to minimize the impacts to the RMA while positioned adequately to provide streamside experiences to hikers.
3. The vegetation and soils in a RMA will not be disturbed unless approved by the City or unless emergency conditions such as fire or floods require entry. Operation plans in or near RMAs that may impact resources will require approved mitigation plan measures. Mitigation of impacts caused by such entry will be accomplished as soon as possible after disturbance or in the first season when such mitigation will be most effective.
4. Landowners or Commercial operators will indicate streams that may be impacted in Operations Plans. Projects that may impact the aquatic resources will be reviewed by City officials and may be reviewed by Oregon Department of Fish and Wildlife.
5. Retention of trees along streams, RMAs will follow the provisions of the FPA and the CFP unless additional protection measures are needed after review of the Operation Plan.
6. City officials will be notified by Landowners or Commercial Operators if designated threatened, endangered or sensitive species are seen in an operation area.

(K) Pesticides and other chemical product use in Commercial Operations:

1. Commercial operators will be required to follow Federal and State laws and regulations for the use of pesticides and chemicals. These laws and rules are not delegated to the City and therefore cannot be re-delegated to Operators.

§ 5.08.100 OPERATION PLAN REVIEW

Operation plans must comply with the Comprehensive Plan, City Codes and the CFP. Operation Plans will be reviewed by the appropriate City committee(s), commission(s) and official(s), depending on the nature of the commercial operation. Recommendations for modifications of an operations plan

will be made to the operator and landowner. Recommendations for approval or denial of an operations plan will be made to the City Council. Operation plans will be approved or denied in writing. Denials may be appealed in writing to City officials.

§ 5.08.110 OPERATION PLAN AND PERMIT

Commercial Operators will be required to comply with the provisions of an approved Operations Plan and Operations Permit.

§ 5.08.120 VIOLATION – PENALTY

The authorized City enforcement officer will contact commercial operators or landowners in writing regarding violations of the regulations and requirements contained in the CFP. This will include landowners or operators without an operation permit or those holding an operation permit but whose performance shows unauthorized variances or omissions in operations that were based on an approved operation plan. Information and evidence of violations presented to the City by other agencies, officials or citizens will be reviewed for credibility by the City. Information and evidence of a violation will be included in the written violation order. The violation order may contain a notice to the commercial operator to immediately cease operations. Operators may be directed to correct the violation if the action taken or the lack of action causing the violation is correctable.

Penalties for uncorrectable violations shall be a fine of not more than five hundred (\$500) dollars for each violation. Each day of violation is considered a separate violation. The City shall have the additional authority to seek injunctive relief from any violation of these requirements, in addition to the penalty, or to take action to correct the activity causing the violation, at the expense of the commercial operator or landowner, including reasonable attorney fees. Violations may be appealed in writing before the City Council.

§ 5.08.130 FORESTRY RELATED OPERATIONS AND NON-FORESTRY, COMMERCIAL OPERATIONS NOT SUBJECT TO THE CFP AND EXEMPTED FROM AN OPERATION PLAN AND OPERATION PERMIT FROM THE CITY:

(A) Commercial operations, if adequately described and approved under other regulation, may vary from the standards under chapter 18.18, Landscape Standards; 18.20, Environmental Standards.

(B) Commercial operations in orchards classified as exclusive farm use (EFU), where management of trees and other resources is permitted under commercial agricultural production. (required proof of County land classification)

(C) Commercial operations, approved by other City authority, affecting resources within Public Rights-of Way that are guided by the Street Tree policy.

(D) Commercial operations, approved by other City authority, affecting resources and activities within Federal, state, county or City road, water, sanitary sewer or storm sewer systems or rights-of way.

(E) Commercial operations, approved under separate City authority, such as building permits issued in connection with approved subdivision plans, single dwellings or commercial building plans.

(F) Activities associated with emergencies.

CHAPTER 5.12: MOTION PICTURE, MASS MEDIA PRODUCTION AND STILL PHOTOGRAPHY ACTIVITIES

Section

5.12.010	Motion Picture, Mass Media Production and Still Photography Activities
5.12.020	Application
5.12.030	Film liaison officer
5.12.040	Duties of film liaison officer and permit issuance
5.12.050	Required public safety employees

§ 5.12.010 MOTION PICTURE, MASS MEDIA PRODUCTION AND STILL PHOTOGRAPHY ACTIVITIES.

(A) All such commercial activity attendant to motion picture, mass media production, and still photography activities where any of the following occur within the City's Urban Growth Boundary or on City property:

1. Five or more people on crew.
2. Two or more vehicles (one-ton Gross Vehicle Weight or larger) in use for filming.
3. Necessity of production to block a public right-of-way.
4. Two or more days of shooting in any location.

§ 5.12.020 APPLICATION.

(A) Any person, corporation, partnership, business entity or other entity must make application through the film liaison officer for a permit for any of the above-defined major activities. The application must be received by the city at least 15 days prior to the date on which the applicant desires to conduct an activity for which a permit is required. The Council approved application form is available from the office of the City Recorder.

(B) The applicant must submit a plan for handling all filming logistics while mitigating negative impacts on the community, and furnish evidence of insurance coverage; the amount and terms are to be negotiated with the city film liaison officer. Incomplete applications will not be accepted.

(C) Application fees shall be set by resolution and due at the time the application is submitted. Fees may be waived or discounted for certain types of low-impact filming. Such fee adjustments are granted by the film liaison officer. In those circumstances in which the application fees are adjusted, all other regulations and provisions in this chapter apply and will be enforced and a permit is still required.

§ 5.12.030 FILM LIAISON OFFICER.

(A) A film liaison officer is established who will be a designated Council member. If the designated Council member is unavailable for any reason, the Mayor of the city will serve as film liaison officer. If the designated Council member and the Mayor are both unavailable for any reason, the City Administrator will serve as film liaison officer. In all cases, the film liaison officer will act in coordination with the City Recorder.

§ 5.12.040 DUTIES OF FILM LIAISON OFFICER AND PERMIT ISSUANCE.

(A) The film liaison officer will act on behalf of and represent the City with regard to the provisions of this chapter and the issuance of a permit. A permit will be issued when the film liaison officer finds that filming will not overly interfere with the normal conduct and flow of business and government; that filming will not constitute a hazard to health and safety of the public; and that filming will not require the diversion of an unacceptably high number of public safety employees.

(B) The decision of the film liaison officer to issue or not issue a permit shall be final unless appealed to the City Council within five working days.

§ 5.12.050 REQUIRED PUBLIC SAFETY EMPLOYEES.

(A) The City reserves and has the right to determine which public safety employees will be necessary for each instance of film activity. Public safety employee requirements shall be determined by the film liaison officer in collaboration with appropriate city departments. Payment for public safety services will be billed by the City based upon current service costs to the City and must be paid by the applicant prior to the completion of filming.

(Ord. 594, passed 4-7-2009)