

## ORDINANCE NO. 433

### AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION 10.20.170 CONCERNING PARKING DISTRICTS.

#### 10.20.170 Parking District

##### 1. Commercial Parking District.

There is hereby established a Commercial Parking District and a Parking Development Fee.

The Commercial Parking District shall include all businesses located in the downtown district as indicated on the City of Sisters zoning map which is established pursuant to the City of Sisters Zoning Ordinance. Businesses include any regular activity pursued for profit or ~~gain~~ not for profit and occupying premises within the Commercial Parking District. Such activities may include the furnishing of services or other sales or goods, wares, merchandise or a combination of either, and shall include all gainful pursuits, whether they are termed "professional" or otherwise and whether they are otherwise regulated or taxed. Government buildings, including schools and churches located in the District shall be exempt from the obligation to pay the parking development fee.

##### 2. Parking Development Fee.

The Parking Development Fee is hereby imposed, and shall be based on \$.05 per square foot of gross floor area occupied by the business, plus a pro rata share of any common area. The City shall determine square footage per business/building no later than May 1 annually. The fee is due and payable to the City no later than July 1 annually. The fee shall be paid in conjunction with the business license fee.

##### 3. In-Lieu Parking Development Fee.

A. There is hereby established an In-Lieu Parking Development Fee. The In-Lieu Parking Development Fee may be paid by those developers of property in the General Commercial District, who have elected to do so under Section 30, Sisters Zoning Ordinance 251E, subsection 8. The In-Lieu Parking Development Fee shall reflect the actual costs of providing parking spaces, as determined by the Public Works Director and adopted by resolution by the City Council. The City Council shall review the In-Lieu Parking Development Fee from time to time, but at least on an annual basis. The In-Lieu Parking Development Fee shall be paid prior to the issue of a building permit.

B. Where the City has used In-Lieu Parking Development Fees or Parking Development Fees received under this section for parking improvements made pursuant to the City's Parking Master Plan, said improvements shall be recovered by the City from the developer or owner of the property located within the Parking District or a Local Improvement District to be established by the City to recover the costs of said improvements.

4. Effective Date.

The Parking District, Parking Development Fee and In-Lieu Parking Development Fee shall go into effect July 1, 1992.

5. Penalty and Interest.

A penalty of ten percent (10%) shall be imposed on all delinquent accounts. In addition, interest of one percent (1%) per month shall be charged from the date of delinquency until paid.

6. Authorized Expenditures; Application of Parking Development Funds.

All funds received under this Ordinance including funds received pursuant to the In-Lieu Parking Development Fees pursuant to Section 3 herein, shall be used for the purpose identified by a parking master plan and shall be applied only to development and provision of parking in the General Commercial District, or the development of City owned parking lots located in non-residential zones. The parking master plan shall be developed by the Public Works Director and the Planning Director and adopted by the City Council. Funds allocated pursuant to the Parking Master Plan as specified herein, shall be used for parking improvements, including but not limited to paving, striping, sidewalks, acquisition of real property, payment of administrative costs including but not limited to payment of professional fees incurred in developing additional parking, development of curbing and the development of storm water drainage and catch basins. Revisions to the plan may be made annually.

7. Business Activities Affected by the Parking Development Fee.

The Parking Development Fee is imposed on the particular business activity and not the premises. If the business moves from the original location to another location within the Parking District, the development Fee for the new location shall be deemed paid for the year. This is a non-refundable fee and it shall not be prorated.

8. Parking Development Fee Payment Required.

No person, agent nor employee shall transact business in the Parking District as defined in Section 1 unless the annual charge for the operation of the business has been paid in advance as required by Section 2.

9. Violation; Penalty.

A. Any person violating any provisions of this Ordinance is, upon conviction thereof, punishable as provided in Article 5.04, Section 1.30-1.40 of the City Code.

B. Every full business day during which any business activity continues to be conducted in violation of this Ordinance is a separate offense and every day during which any person conducts or transacts business in the course of an activity for which the Parking Development Fee herein required has not been paid is a separate offense by such person.

The remedies specified in subsection (B.) shall not be deemed exclusive and at the option of the City, amounts due and payable may be collected as prescribed by statute from the owner or owners of the business involved, or by action at law in any court of competent jurisdiction in this state. The City may also seek an injunction in any Court of competent jurisdiction in the State to enjoin any business activity which has failed to pay the Parking Development Fee as required in this Ordinance. Interest shall accrue as specified in Section 5 above.

10. Recording:

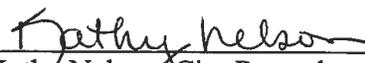
The City Administrator shall cause notice of the parking district improvements and any agreements to reimburse the parking district to be filed in the office of the County Clerk so as to provide notice to potential purchasers of affected property within the parking district. The notice and any attached agreements shall not create a lien. Failure to make the recording shall not affect either the lawfulness of the resolution nor the obligation to pay any reimbursement to the parking district. (Ord 254, 1992, amended by Ord 315, 1996

This Ordinance shall take effect thirty (30) days after its approval by the Council and signature by the Mayor.

**PASSED BY THE CITY COUNCIL** of the City of Sisters and **APPROVED** by the Mayor, this 14th day of November, 2013.

  
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Brad Boyd, Mayor

ATTEST:

  
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Kathy Nelson, City Recorder