MINUTES
July 9, 2012
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time: 6:30pm**

1. **The pledge of allegiance**
2. **Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
Acting City Administrator Jodi Fritts	X	

3. **Special Orders of Business:**
Update from PW Super Will Newdall on Wastewater Treatment Plant project

Public Works Superintendent Will Newdall gave an update on the Wastewater Treatment Project. He reported that 40% of the project has been completed. He reported that there were 2,333 man hours expended in June, and the foreman is doing a wonderful job of keeping all of the subcontractors going in the right direction and keeping steady progress on the project.

He reported that there have been no safety accidents and no conflicts to date.

He gave a rundown of the work accomplished thus far. He told the City Council that the coatings were installed on the headworks in the fairground pump station and that the coatings adhere to the concrete and protects it from the caustic properties of sewage and the hydrogen sulfite gas.

He explained that 6 new drain fields were put online and construction continued of the remaining drain fields. To date, 11 drain fields have been completed and work is continuing until they get 21 drain fields constructed.

He told the City Council that they had started using the 6 new drain fields, discontinuing from the old drain fields that have been in use since 1993, and they took all of the flow and the pumps shut off in a very short amount of time. He gave a comparison that the old pumps were running 24 hours a day to the old drain fields, and with the new drain fields, the pumps are running approximately 8 hours a day.

He told the City Council that work on the piping for the waterlines has begun to feed the SBR. He stated that the electrical conduit is being laid. He explained there are approximately 140 conduits that lead from the control building and go to the SBR to carry information to and from the new structure, as well as carry electricity for the various motor components.

He reported that the fairgrounds pump station is almost complete, that the pumps were installed. He said that he met with the manufacturer of the pumps and the pumps passed all checkmarks for performance. There will be some fencing put up around the pump station, which was not part of the project, but that it was thought it would be a good deterrent to vandalism.

He was asked a question whether the project was still on track for finishing on time, and he believed that it would be.

He updated the City Council on other projects that the City has been working on. Shields Painting Corporation has been moving along very quickly on the stripping and painting the water tanks.

He told the City Council that the small waterline project is complete. The work was around Caughell by Wong's, Buffington Park, and the Crow's Nest. He told the Council that all of the patches have been asphalted and was looking at closing the project by the end of the week.

He told the Council that the Public Works Department had done some leak detection and came up with approximately 6 to 8 sites that need work on the water mains.

Councilor Tamie Kaufman asked if the Public Works Department had advertised for the new position. Public Works Superintendent Will Newdall explained that they did not advertise, that they offered the position to Tim Bolster, whom they interviewed within the year, and he accepted.

4. Consent Calendar
None scheduled

There were no consent calendar items scheduled.

5. Citizens Comments
As presented to the Mayor at the beginning of the meeting

Diane Kellogg requested to address the Council on the cost of the social gaming license.

Diane Kellogg explained that she didn't understand why the social gaming license was four times the price of a business license, so she went to City Hall and found out the reason for the cost is because of the resolution adopted in 2009, reading, "Whereas, the City of Gold Beach provides numerous services to businesses, municipalities, courts and private parties and, whereas, costs in general have gone up over the years, making it necessary to increase the cost of these services."

She asked what services does she, as a holder of a social gaming license, receive. She told the City Council that she has never asked for, nor received, any services of any kind, so she was questioning that if these services are going up and that's the reason for the charge, then

where are the services and why is the charge for a social gaming license four times that of a normal business license.

She said that she went back and read the resolution again, and it lists all of the fees and how much they are per day. She quoted the social gaming fee as being $300 per table, but it doesn't state that it's per year, just that it's per table. She suggested that there could be a $300 per table charge for the social gaming license when you first apply for the license, but that at renewal time the fee could be changed to the same as that of a business license of $75.

Mayor Wernicke asked CA Fritts if she's checked to see how long that fee has been in effect. CA Fritts responded that she went back 2001, and that's what the fee has been since then. She told the City Council that later in the meeting she would be talking about the fee schedule and that they could revisit this issue. There was general discussion regarding the fee, and the consensus was to bring the subject back up when they discuss the fee schedule.

6. Public Hearing
Social Gaming License renewal: Diane Kellogg at Hunter Creek Bar & Grill

The public hearing on the social gaming license renewal for Diane Kellogg at the Hunter Creek Bar & Grill was opened. CA Fritts explained that the city code requires the social gaming licenses be renewed annually. She told the City Council that the City issued the license in July 2011, and it's come up for renewal. She told the City Council that there has to be a public hearing regarding the renewal. She said that the police department ran a check on the persons that will be working at the table, as well as Diane Kellogg, and it came back clean. There have been no violations of the city code or felony convictions. CA Fritts recommended renewal of the license.

MOTION: Councilor Larry Brennan made a motion that the City Council approve the request to renew Diane Kellogg's social gaming license at the Hunter Creek Bar & Grill. Councilor Jeff Crook seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none, he called the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

7. Citizen Requested Agenda Items
Request to consume alcohol in Buffington Park during class reunion.

CA Fritts explained to the City Council that the Gold Beach Union High School Class of 1962 is having a reunion on July 19th, 2012, and they have requested written permission to be able to have beer and wine at the reunion party. There was general discussion amongst the City Council.

MOTION: Councilor Jeff Crook made a motion that the City Council approve the request by the GBUHS 1962 Reunion Committee to allow consumption of alcohol in the park during a party on July 19, 2012. Councilor Larry Brennan seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none, he called the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

8. **Public Contracts and Purchasing**
   None Scheduled

There were no Public Contracting or Purchasing items.

9. **Ordinances & Resolutions**
   None Scheduled

There were no Ordinances or Resolutions to discuss.

10. **Miscellaneous Items (including policy discussions and determinations)**
    a. Revisit Mobile Vendor Licensing as discussed in April
    b. Review of City Fee Schedules
    c. Invitation to attend Regional Economic Development presentation

Revisit Mobile Vendor Licensing as discussed in April: CA Fritts explained that the mobile vendor licensing was tabled until this meeting in July to discuss whether the City Council wanted to regulate the mobile vendor businesses. She told the City Council that she attached information from the original April meeting with the background on why the regulating question came up and explained that staff was asked by a citizen to discuss regulating mobile vendors, specifically restaurant-type mobile vendors. She indicated that she had included some sample ordinances from other jurisdictions.

Councilor Tamie Kaufman said that she did not want to get involved in regulating at this time. Councilor Jeff Crook agreed. He said that if there were problems in the future, that the City Council could revisit the subject.

CA Fritts explained that, in a sense, mobile vendors are regulated in that they must get a permit from the Health Department, and the cost to mobile vendors is the same as what a restaurant has to pay, that they have the same inspection process that a restaurant has and they have to get a business license.

There was general discussion amongst the City Council members and it was decided that at this time there would be no licensing for mobile vendors, but if there were problems in the future, they would revisit it and reconsider.

Review of City Fee Schedules: CA Fritts explained to the City Council that it's been awhile since the fee structure has been looked at. She reported that the last time there were any changes made was in 2009. She said that the business license fee is still $75, and the social gaming license is $300. She said, looking over the ordinances over the years, the only fees that have changed consistently was the Public Works rates, but labor and administrative fees have not changed much. She told the City Council that she wanted to call their attention to the fee structure and have them look at it.

Mayor Wernicke agreed that the fee schedule should be looked at, but he felt that there should be some justification for the fees and they shouldn't be changed arbitrarily.

CA Fritts said that even if the fees are kept the same, she would like to separate them out by department for clarity. She told the City Council that there are two fees that need to be included in the fee schedule relating to the Visitor's Center. One is for what is called the packet program, where businesses in town can have their brochure sent out to people requesting information. There is a charge of $0.18 per packet. The other is for a DVD that the City has put together and sells for $5.

There was general discussion amongst the City Council regarding fees, and the consensus was they would review the fees and if anything jumped out at them and they wanted CA Fritts to do some research on the fee, they would let her know and she would report to them what her finding is from the research.

Invitation to attend Regional Economic Development presentation: CA Fritts told the City Council that the City of Brookings has invited them to attend a meeting put on by a group called Southern Oregon Regional Economic Development, Inc., on July 16, 2012. She said that Brookings is interested in how Serenity got going over in the valley and they're interested in doing something like that countywide. They're also including Del Norte County.

11. City Administrator's Report
To be presented at meeting

CA Fritts gave a report, which is attached to these minutes.

12. Mayor and Council Member Comments

a. Mayor James Wernicke
b. Councilors
   1) Jeff Crook
   2) Larry Brennan
   3) Absent
   4) Doug Brand
   5) Tamie Kaufman

The Mayor said that he noticed an increase in visitors this year from previous years. He said that the week of the 4th of July was really busy, and he commented that Bob Minshew did a great job down at the Port.

Councilor Jeff Crook said that it was a great firework show. He also wanted to let CA Fritts know that she's doing a great job and she's had some pretty big shoes to fill since past CA Barnes left. He thanked her for all of her hard work and the leadership that she provides.

Councilor Larry Brennan said that he ran into Catherine Powers, and she wanted him to make an announcement that on July 20, 2012, at 1:00 they're going to fly in 45 rescue dogs from all over the country.

Councilor Doug Brand said he wanted to thank the Chief and everybody associated with the 4th of July ceremony.

Councilor Tamie Kaufman said that she saw a fellow City Council member with their arm resting on the window of their car and was talking on their phone. She told the City Council she had noticed one morning that she was going over the speed limit in town and slowed it down, and then someone flew past her and was stopped by Officer Kinney. She wanted to remind everyone to follow the rules because it would be uncomfortable for the city police to have to pull them over. She also said that she really enjoyed the fireworks.

CA Fritts said that the fire department and volunteers need to be publicly thanked. She said it was a total volunteer effort, and they started at 11:00 on July 4th and they spent all day preparing for the firework presentation.

13. Citizens Comments

There were no citizen comments.

14. Executive Session

There was no executive session.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, July 23, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

MOTION: Councilor Doug Brand made a motion to adjourn. Councilor Larry Brennan seconded the motion.
Mayor Wernicke called for discussion or debate. Hearing none, he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 7:50PM

ATTACHMENT TO MINUTES FOR JULY 9, 2012

ORIGINAL COUNCIL AGENDA PACKET

AGENDA

July 9, 2012, 6:30PM

CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time:** _____

1. **The pledge of allegiance**

2. **Roll Call:**

	Present	Absent
Mayor James Wernicke		
Council Position #1 Jeff Crook		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3. **Special Orders of Business:**
   Update from PW Super Will Newdall on Wastewater Treatment Plant project

4. **Consent Calendar**
   None scheduled

5. **Citizens Comments**
   As presented to the Mayor at the beginning of the meeting

6. **Public Hearing**
   Social Gaming License renewal: Diane Kellogg at Hunter Creek Bar & Grill

7. **Citizen Requested Agenda Items**
   Request to consume alcohol in Buffington Park during class reunion

8. **Public Contracts and Purchasing**
   None scheduled

9. **Ordinances & Resolutions**
   None scheduled

10. **Miscellaneous Items (including policy discussions and determinations)**
    a. Revisit Mobile Vendor Licensing as discussed in April
    b. Review of City Fee Schedules
    c. Invitation to attend Regional Economic Development presentation

11. City Administrator's Report
To be presented at meeting

12. Mayor and Council Member Comments
a. Mayor James Wernicke
b. Councilors
1) Jeff Crook
2) Larry Brennan
3) Brice Gregory
4) Doug Brand
5) Tamie Kaufman
c. Student Liaison, Lyndsey Dixon

13. Citizens Comments
As presented to the Mayor at the beginning of the meeting

14. Executive Session
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, July 23, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

Gold Beach

PUBLIC HEARING

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **6.** Council Hearing Date: July 9, 2012

Department: Administration & Finance

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Social Gaming License renewal request

SUMMARY AND BACKGROUND:

City Code Section 4.650 requires annual renewal for social gaming licenses. Ms. Kellogg was issued a license in July of 2011 for a gaming table to be operated within the Hunter Creek Bar & Grill. She is requesting a renewal of that license and has paid the appropriate fee.

At my request, the police department ran a check on Kellogg and the persons listed on her application for violations of: OLCC laws, local ordinances, and felony convictions within the past 10 years (Section 4.630 of the code). The check came back clear for all the listed persons. Additionally, there have been no police interactions with the listed persons as it relates to the gaming table in the past 12 months. Staff recommends renewal of the license.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the Social Gaming Code section. Kellogg's application is *not* attached due to sensitive data (DOB, SS#, etc) on the form.

REQUESTED MOTION/ACTION:

Approve/deny the request to consume alcohol in the park

Suggested Motion:
I move that the Council approve/deny the request to renew Diane Kellogg's Social Gaming License at Hunter Creek Bar & Grill.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council & PD

from time to time by resolution. The Gold Beach Police Department shall have the authority to enforce this Code.

Social Gaming Code

4.600 Title.

The portion of the Gold Beach Code shall be known as the Social Gaming Code.

4.605 Gambling prohibited.

No person shall participate in, operate, assist in operating, or allow to be operated on any premises under his or her control any unlawful gambling game or activity, including a lottery. No person shall have in their possession any property, instrument or device designed or adapted for use in any type of unlawful gambling activity. Any such property or device is nuisance and may be seized by any police officer. Said possession shall be a violation of this section and upon conviction of a person owning or controlling such property, the Municipal Judge shall order the property confiscated and destroyed.

4.610 Definitions.

As used in this Code, except where the context indicates otherwise, the following definitions apply:

(1) The term "gambling" shall mean any contest, game, gaming scheme, gaming device or machine in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein; in which a person stakes or risks something of value upon the outcome of such a contest of chance or a future contingent event, not under the control or influence of the person, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. The term "gambling" shall not include (a) social games or (b) lottery games authorized and operated pursuant to ORS Chapter 461 and the Oregon Constitution.

(2) "Social games" mean:

(a) A game, other than a lottery, between players in a private home, where there is no house player, no house bank or house odds and there is no house income from the operation of the social game; and

(b) Games, other than a lottery, between players in a private business, private club, or place of public accommodation, licensed pursuant to this Code, where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

(c) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit

therefrom, other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying the cards or other equipment used therein. A person who engages in bookmaking is not a player.

(3) "Promotes unlawful gambling" means that a person, acting other than solely as a player, engages in conduct that materially aids any form of unlawful gambling. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person promotes unlawful gambling if, having control or right of control over premises being used with his or her knowledge for purposes of unlawful gambling, he or she permits the unlawful gambling to occur or continue or makes no effort to prevent its occurrence or continuation.

(4) "Unlawful" means not specifically authorized by law. A "social games table" is defined as a game playing surface used in social games which can accommodate no more than six (6) players.

4.620 <u>License Required.</u>

Social games are authorized in a private business, private Club, or place of public accommodation only upon issuance of a license as provided under this Code. Licenses thereby issued are subject to the provisions of this Code.

4.625 <u>Application for License.</u>

Any person applying for a license under this Code must complete and file with the City Administrator an application for Social Games License. Said application shall be submitted under oath and shall include the following:

(1) True name and address of the applicant and location of the business establishment.

(2) True name and address of all owners of the business establishment for which the license is requested. If different than the applicant, then the name of the manager in charge of said business establishment.

(3) Number of tables to be licensed.

(4) Primary type of business conducted on the premises.

(5) The names and addresses of any other persons who will supervise the play of social games.

(6) Any other information requested by the Council or the City Administrator.

4.630 Consideration of Application.

(1) The City Council shall consider the application at its next regularly scheduled meeting following the filing with the City Administrator, provided said filing is made ten (10) days prior to the meeting date. The Council may:

(a) Grant the license.

(b) Take the application under advisement to be reconsidered at a specific date with or without a public hearing.

(c) Deny the application and refuse to grant a license.

(2) The license shall not be granted if:

(a) Any false or misleading information is supplied in the application or any information requested is omitted either in the original application or at other proceedings.

(b) Any person who is listed on the application and/or said premises has had a liquor license revoked or suspended for any reason, on two (2) different occasions, by the Oregon Liquor Control Commission, within a period of five (5) years before the date of the application.

(c) If any owner of the premises, his agent, employee, representative or other person acting on behalf of said owner, has previously violated any section of this Code or of any predecessor ordinance regarding social gambling.

(d) Any owner or manager of the business premises has been convicted of a felony within the last ten (10) years.

4.635 Issuance of License.

Upon approval of an application, the City Administrator is to issue a social games license to the applicant. A license shall contain:

(1) The true name and address of the business establishment being licensed.

(2) The number of tables licensed for social games thereunder.

(3) The date and duration of said license.

4.640 Responsibility of Licensee.

Each licensee hereunder shall be completely responsible for the operation of the social games, conducted on its premises, and said licensee is solely responsible for providing that said games are played in accordance with this Code and the provisions of the Oregon Revised Statutes.

4.645 License Non-Transferable.

No social games license issued hereunder is assignable or transferable in any manner. Any complete or partial change of ownership of the licensed premises, or of the person(s) who supervise the play of social games, shall be immediately reported to the office of the City Administrator and said change shall be presented and acted upon by the City Council, in the manner outlined in Section 4.630.

4.650 License Fee. Duration and Renewal.

The annual license fee shall be $300.00 per social games table, payable immediately at the time of issuance of the social games license. The fee for a license issued after January 1 shall be $150.00 and the license shall be valid until June 30 of the year of issuance. A license may be purchased after June 1 for $25, but only if it is bought in conjunction with a license for the following fiscal year at a total fee of $325 for a 13 month license. The fee schedule for a social games license granted under this Code may be amended from time to time by resolution of the City Council.

Except as otherwise provided in this Section 4.650, all licenses shall run from July 1 to June 30 of each fiscal year without regard to the dates they are granted during the year. Filing of a timely application for renewal of a social games license under this Code shall be the full responsibility of the owner and/or manager of the premises previously licensed. Filing, consideration and issuance of the renewal application shall follow the procedures outlined in Sections 4.625, 4.630 and 4.635 of this Code.

4.655 Suspension and revocation of license.

The Mayor shall temporarily suspend any social games license issued hereunder if:

(1) Any owner or manager of the business premises has been convicted of a felony within the last ten (10) years.

(2) Any owner or manager or social games supervisor of the business premises has been previously convicted of any crime involving gambling, or has been involved

directly or indirectly in a forfeiture proceeding regarding a gambling device as defined herein.

(3) Any false or misleading information is supplied in the application or any information requested is omitted either in the original application or at other proceedings.

(4) Any owner of the business premises or the business premises itself has a license revoked or suspended by the Oregon Liquor Control Commission during the period of the social games license.

(5) Any owner or manager or social games supervisor of the business premises profits from gambling or promotes gambling, either on the licensed premises and/or in any other activity.

(6) Any other conduct involving moral turpitude on the part of any of the premises owners, agents, employees, or other representatives.

A suspension shall be subject to the right of appeal to the City Council meeting in a regular scheduled session. Notice of such appeal must be filed with the City Administrator within ten (10) days or such action of the Mayor shall be deemed to be final and conclusive. A temporary suspension shall be for thirty (30) days.

Permanent revocation may be made only by the City Council and such revocation shall only take place at a City Council meeting in regular council session upon application of the Mayor, and only after the licensee has been served with notice at least fourteen (14) days prior to the City Council meeting. Such notice shall include the time and date of the City Council meeting and the grounds upon which the permanent revocation is sought. Notice shall be deemed to be received by the licensee if the City Administrator mails such notice to the address listed by the licensee on his or her application.

4.660 Regulations.

It shall be unlawful to operate a social game as licensed pursuant to this code in violation of any of the following regulations and rules:

(1) All social games licensed under this Code shall be conducted and operated in full conformity and subject to all provisions of the laws of Oregon and the City of Gold Beach.

(2) All social games shall be open to police inspection during all hours of operation. Social games licenses shall be in full view and available for inspection during all hours of operation.

(3) The playing of all social games shall be arranged so as to provide free access and visibility to any interested party. Doors, if any, leading to the social games must remain unlocked during hours of its operation.

(4) No person under the age of twenty-one (21) years shall be permitted to participate in or remain near any social games.

(5) No licensee shall allow the playing of any social games between the hours of 2:30 a.m. and 7:00 a.m.

(6) No charge or house income of any type shall be collected from any player for the privilege of participation in the social game.

(7) A licensee may post a single sign, not to exceed one foot by one foot in dimension, inside the licensed premises, containing the words "Social Games." A licensee may also include the words "Social Games" in advertisements. Advertisements or signs advertising specific games are prohibited. All other signs or advertisements of social games not specifically authorized are prohibited.

(8) There shall be a limit on any bet of Five Dollars ($5.00) in any social game. This limit may be amended from time to time by resolution of the City Council.

4.665 Penalties.

Violation of or failure to comply with any provision of this Code is punishable upon conviction, by a fine not to exceed Five Hundred Dollars ($500.00) or such other amount as the Gold Beach City Council may set from time to time by resolution.

Gold Beach

CITIZEN REQUESTED AGENDA ITEM

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. 7.

Council Hearing Date: July 9, 2012

Department: Administration & Finance

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Request to consume alcohol in the park

SUMMARY AND BACKGROUND:

City Code Section 5.705 requires written permission from the City Council to sell or consume alcoholic beverages in the City Park.

A written request has been made by Karen Wallace on behalf of the GBUHS Class of 1962 Reunion to allow the consumption of alcohol during their party on July 19th. The party will be from 3:30PM to 8:00PM. A copy of her written request is attached.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the code section and the letter from Mrs. Wallace

REQUESTED MOTION/ACTION:

Approve/deny the request to consume alcohol in the park

Suggested Motion:
I move that the Council approve/deny the request by the GBUHS 1962 Reunion Committee to allow consumption of alcohol in the park during a party on July 19th, 2012.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

(c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside any tennis court area.

(d) No dogs, or other animals shall be allowed inside a tennis court area.

(e) Tennis courts within any city park are for the use of the public and no private or public lessons shall be given where a consideration is charged for the same without prior written permission of the City Council.

(f) Any person wishing to schedule any type of organized tennis tournament, or other organized activity using the tennis courts, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. The Park Superintendent shall be authorized to schedule and regulate all organized activities involving the tennis court area.

(20) Rules and Regulations for Use of Kid Castle.

(a) Time limit for play shall be one (1) hour if other persons are waiting to make use of the facilities.

(b) No glass bottles or other glass containers shall be brought or kept inside any Kid Castle area.

(c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside the Kid Castle area.

(d) No dogs, or other animals shall be allowed inside the Kid Castle area.

(e) Kid Castle is located within a city park and is for the use of the public. No private or public lessons using Kid Castle shall be given where a consideration is charged for the same without prior written permission from the City Council.

(f) Any person wishing to schedule any type of organized activity, using the Kid Castle facilities, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. Park Superintendent shall be authorized to schedule and regulate all organized activities involving the Kid Castle area.

(g) Smoking. No smoking shall be permitted in the Kid Castle area at any time.

(h) Smokeless Tobacco. Smokeless tobacco (such as chew) and spitting shall not be allowed in the Kid Castle area.

(21) Alcoholic Beverages. No alcoholic beverages shall be sold or consumed in the park without written permission from the City Council.

5.705 Application for Written Permission.

Any person required to obtain written permission from the City Council for any activity in a city park as described in Section 5.700 of this Code shall submit a request for said permission to the City Administrator and the City Administrator shall place said item on the agenda of the City Council for its next regularly scheduled Council meeting.

June 24, 2012

RECEIVED
JUN 25 2012
CITY OF GOLD BEACH

City of Gold Beach Council Members:

Gold Beach Union High School Class of 1962 is holding their 50 year class reunion in Gold Beach beginning July 19 and go through July 22, 2012.

We would like to use the City Park on the late afternoon and early evening of Thursday, July 19th. Would like to reserve the East end for 3:30 p.m. to 8:00 p.m. (Set up at 3:30 with first check in to begin at about 4:00 p.m.) I am expecting about 20 on Thursday evening. But can give you a closer count if you need by the 15th of July.

Classmates will be begin to arrive in town early afternoon on Thursday and we would like to have a welcome picnic at the park.
Picnic would include a barbeque meat, salads, and a dessert. We would like to be able to serve them wine/beer with the event. This would be like a drink upon arriving and a drink with dinner and maybe one after. No kegs or bar. There will be no charging for the wine/beer.
I will have garbage cans there for recycle materials and bottles or cans and one for trash and I will take these and depose of them when I leave the park.

I am planning on cleanup to be between 7:30 p.m. and 8:00 p.m We are planning on eating about 6:30 as most who are arriving on Thursday should be in town by that time.

Sincerely,

Karen Wallace

Karen Wallace, Chairman
P.O. Box 825
Gold Beach, OR 97444
Phone: 541-247-7891
email: bill.wallace33@gmail.com

Gold Beach

MISC. ITEMS

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 a.** Council Hearing Date: July 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Further discussion on possible regulation of mobile vendors

SUMMARY AND BACKGROUND:

This item was initially brought up at the April 2012 meeting. It was decided at that time to postpone discussion until July. Attached is the report from April.

FINANCIAL IMPACT:

None at this time. If the Council wishes to pursue development of a code chapter legal counsel will be required to review the final proposal.

DOCUMENTS ATTACHED:

- Report and attachments from April

REQUESTED MOTION/ACTION:

Decision on whether to regulate mobile vendors beyond business license issuance or not.

COPY OF REPORT SENT TO:

Council

COPY

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Gold Beach

Agenda Item No. **10 b.**

Council Hearing Date: April 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Further discussion on possible regulation of mobile vendors

SUMMARY AND BACKGROUND:

Staff was asked by a citizen to discuss with the Council possibly prohibiting or regulating mobile vendors—specifically food vendors—within the city limits. It was brought to the Council in March as a discussion item. Further information was requested.

The bottom line: there is no hard and fast rule. Some cities regulate them, some do not, some allow them temporarily, and others allow them permanently in specific locations. Attached are some sample codes, ordinances, or authorization letters from small towns. Port Orford does not regulate them beyond requiring a business license. Brookings issues an authorization letter with conditions. Ironically Port Orford says they *cannot* be located on city right-of-ways and Brookings *only* allows them on city right-of-ways .

FINANCIAL IMPACT:

None at this time. If the Council wishes to pursue development of a code chapter legal counsel will be required to review the final proposal.

DOCUMENTS ATTACHED:

- Code information from Brookings, North Bend, Lakeview, Junction City, Springfield, The Dalles, and Hood River

REQUESTED MOTION/ACTION:

Discussion item only at this time.

COPY OF REPORT SENT TO:

Council

COPY

City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-1100 Fax (541) 469-3650 TTL (800) 735-1232
gmilliman@brookings.or.us

GARY MILLIMAN
City Manager
Credentialed City Manager
International City Management Association

April 26, 2011

David Bacon
D.B.'s Thunder Grill and BBQ
PO Box 7152
Brookings, OR 97415

Dear Mr. Bacon;

This letter authorizes you to conduct your food vending truck business on public rights-of-way (streets) controlled by the City of Brookings pursuant to Brookings Municipal Code Section 5.05.060 under the following conditions. This authorization does not extend to City parking lots, parks or other public properties, nor does it extend to public property under the control of other public agencies, such as the Oregon Department of Transportation, Brookings Harbor School District or other agencies. Note that Chetco Avenue (Highway 101) and the sidewalks located appurtenant to Chetco Avenue are under the jurisdiction of the Oregon Department of Transportation (ODOT).

CONDITIONS OF APPROVAL

1. When operating adjacent to a sidewalk, a minimum unobstructed pedestrian passage area of 36-inches must be obtained at all times.
2. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
3. The City issues permits for the conduct of festivals and parades from time to time. Such permits shall supersede this authorization to conduct business on the public right-of-way within the area subject to the event permit and within 200 feet of the area subject to the event permit unless separate approval has been granted by the event operator.
4. Business shall not be conducted in any area of the City which is predominantly residential.
5. Business shall not be conducted within 50 feet of any restaurant.
6. All areas around your food vending truck shall be kept in a neat and orderly condition, free of debris and litter generated by your business activities or your patrons. You must provide a litter receptacle for use by your patrons at the site where you are conducting business and remove all trash upon departing the site.

7. There shall be no sale or consumption of alcoholic beverages at any time on public property or right-of-way.
8. At all times during the conduct of business the vendor vehicle must be legally parked, shall not be parked on the sidewalk or obstruct a pedestrian way or a driveway.
9. You may place one sandwich board type sign on the right-of-way adjacent to your vehicle, subject to the 36-inch clearance indicated above.
10. Provide the City of Brookings with the following certificates of insurance:
    a. Automobile liability.
    b. Comprehensive General Liability with limits of not less than $500,000 and listing the City of Brookings as an additional insured.

Failure to comply with any of the above listed conditions when operating on rights-of-way controlled by the City of Brookings will result in the revocation of your business license and/or a fine of up to $500 per day.

Please contact me if you have any questions concerning this matter.

Respectfully,

Gary Milliman
City Manager

Cc: Administrative Services Director
Planning Director
Chief of Police

additional period of one year without a new application. (Ord. 1752 § 1, 1989; Ord. 1733 § 4, 1988)

5.16.050 Public record.

All applications and other records relating to the administration of this chapter shall be public records which are open to public inspection and the information may be released by any city employee or official. (Ord. 1733 § 5, 1988)

5.16.060 City duties and liabilities.

Neither the city of North Bend nor any of its officers or employees shall be obligated to make any investigation of applicants for a certificate of registration and they are not required to verify any of the information supplied. The city of North Bend also does not assume any responsibility or liability for information provided to members of the public or others concerning any registered solicitors, their applications, or their organizations or employers. (Ord. 1733 § 6, 1988)

5.16.070 Conduct of solicitors.

In carrying on solicitations within the city of North Bend, all solicitors shall be required to discontinue any presentation or solicitation and to leave the premises promptly if asked or told to leave by the occupant or if the occupant expresses a disinterest in such solicitation. (Ord. 1733 § 7, 1988)

5.16.080 Civil penalties.

Upon conviction of a violation of this chapter, a civil penalty may be imposed in an amount not to exceed $500.00. (Ord. 1733 § 8, 1988)

Chapter 5.20

SELLING GOODS FROM VEHICLES OR TEMPORARY OR MOVABLE STANDS

Sections:

5.20.010 Purpose – Intent.
5.20.020 Exemptions.
5.20.030 License – Required.
5.20.040 License – Application.
5.20.050 License – Appeal.
5.20.060 Violation – Penalty.

5.20.010 Purpose – Intent.

The council hereby finds and determines that the practice of selling goods, services or contracts from vehicles or temporary or movable stands or containers creates special problems of enforcing regulations for the protection of the public health, safety, morals and welfare within the city of North Bend, that the mobility and temporary nature of the businesses affect the enforcement of traffic, sanitation, building and zoning regulations in the city of North Bend and that such businesses should be licensed, regulated and controlled. (Ord. 1336 § 1, 1966)

5.20.020 Exemptions.

As used in this chapter, the business of selling, soliciting or peddling goods, services or contracts from vehicles or temporary or movable stands or containers shall not include the delivery of goods, services or contracts previously purchased or ordered, nor shall it include sales by wholesalers to retailers. (Ord. 1336 § 2, 1966)

5.20.030 License – Required.

It shall be unlawful for anyone to offer for sale, sell, vend, solicit the sale of or peddle goods, wares, merchandise, produce, services or contracts from vehicles or temporary or movable stands or containers within the corporate limits of the city of North Bend, unless and until there shall have been obtained for such business a license as provided for in this chapter. (Ord. 1336 § 3, 1966)

5.20.040 License – Application.

(1) All applicants for a license, under this chapter, shall file with the city recorder a statement containing the names and addresses of the owners and operators of the business, the exact location or locations proposed to be used for the conduct of such business, the names and addresses of the own-

ers and persons in possession of the property where such business will be located, a description of the utility services which will be used at such location, together with the proposed manner and method of disposing of any waste materials resulting from the operation of such business, and a description of the proposed methods of handling vehicular and pedestrian traffic created by such business together with the proposed on-street and off-street parking proposed for the customers of such business.

(2) The application statement shall be reviewed by the city recorder, chief of police, and city engineer to determine whether the proposed business will comply with the zoning, building, sanitation and traffic laws of the city of North Bend, and whether the operation of the business will be hazardous or injurious to the public or adjoining property by reason of traffic or sanitation, and whether or not such business will be unsightly having reference to the condition and standards of the neighborhood.

(3) If the chief of police and city engineer shall not file any objection to the issuance of such license and if it shall be determined that such business would not be in violation of any of the laws of the city of North Bend, then, after payment of the fees provided herein, the city recorder shall issue a license for such business stating therein the location or locations of such business and the time during which such business will be operated. The fees for the license provided herein shall be in the amount of $500.00 for each location at which the applicant proposes to do business, and such license shall be for a period of 60 days.

(4) Any organization, society, association, corporation or person desiring to sell, solicit or peddle from vehicles or temporary or movable stands or containers as herein provided for charitable, religious, educational or philanthropic purposes may receive a permit therefor by complying with all of the provisions of this section, except that no license fee shall be charged. The recipient of such permit shall, at the request of the city recorder, file a financial statement showing a breakdown of all receipts and disbursements from sales made as a result of such registration and permit within 30 days from the end of the permit period.

(5) Applicants for a license may file a request with the city council for the waiver or reduction of license fees together with information to establish that the applicant qualifies for such waiver or reduction as provided in this paragraph. The city council may authorize a waiver or reduction of license fees for any activity, festival or other event which is determined by the council to promote or advertise the city of North Bend or the community of which such city is a part and is found to be in the public interest. In authorizing such waiver or reduction of fees, the council may impose conditions and limitations consistent with the purposes of this chapter and the protection of the public.

If an applicant is proposing to conduct sales in conjunction with an existing business which has a use permit for the premises, and if the holder of the use permit applies for and receives a permit for such additional use in compliance with the zoning and other regulations relating to such use, then the applicant who has qualified for a license as provided in this chapter may be issued a license on the payment of a fee of $50.00 for the qualified location and such license shall be for a period of six months. (Ord. 1722 § 1, 1987; Ord. 1715 § 1, 1987; Ord. 1706 §§ 1, 2, 1986; Ord. 1336 § 4, 1966)

5.20.050 License – Appeal.

In the event that an applicant for a license under this chapter shall be denied such license by the city recorder, the applicant may file a notice with the recorder of intent to appeal to the council of the city of North Bend, and the council shall hear and determine such appeal at its next regular meeting held not less than 10 days after the filing of the said notice of intent to appeal, and the decision of the council at such hearing shall be final and conclusive. (Ord. 1336 § 5, 1966)

5.20.060 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed $300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1336 § 6, 1966)

ORDINANCE NO. 815

AN ORDINANCE PROVIDING FOR THE LICENSING OF ITINERANT MERCHANTS AND TRANSIENT VENDORS; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; REPEALING ORDINANCE NO. 289 IN ITS ENTIRETY AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

THE TOWN COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

Section 1 - Purpose. The purpose of this Ordinance is to provide for the licensing of Itinerant Merchants or Transient Vendors as those terms are defined below within the Town of Lakeview and providing a penalty for a violation hereof.

Section 2 - Definition. For the purposes of this Ordinance the terms Itinerant Merchant or Transient Vendor mean any person, business entity or any other type of organization that engages in the temporary business of selling, offering for sale and/or delivering goods, food or beverage, merchandise or services, either house to house or from any real property located within the Town of Lakeview.

Section 3 - Activities Not Included Within Definition. The definition of Itinerant Merchant or Transient Vendor as set forth above does not include the following activities:

(a) Newspaper vendors.

(b) Regular commercial travelers employed by a wholesale business who sell goods, merchandise or services to merchants or businesses located within the Town of Lakeview for the purpose of resale or otherwise.

(c) The acts of merchants located within the Town of Lakeview in selling or delivering goods in the regular course of business.

(d) Persons soliciting money, donations or financial assistance of any kind or the selling or distributing of items of literature or merchandise upon the streets, in office buildings, by house to house canvass or in public places for a charitable, religious, educational, patriotic, or philanthropic purpose.

(e) Bona fide auctions conducted pursuant to law.

(f) Sales required by statute or by order of any court.

(g) Rummage sales for the purpose of raising money for charitable, religious, education, patriotic or philanthropic purposes.

(h) Garage and yard sales conducted by residents of the Town of Lakeview.

(i) Any activity conducted at the Lake County Fairgrounds.

(j) Fund raising efforts conducted by any IRC Section 501(C)(3) not for profit corporation.

Section 4 - Prohibited Conduct. It shall be unlawful for any Itinerant Merchant or Transient Vendor to engage in selling, offering for sale and/or delivering goods, food or beverage, merchandise or services in the Town of Lakeview without first obtaining a license to do so.

Section 5 - Issuance of License and License Fee. The Town Manager of the Town of Lakeview, in his or her sole discretion, may issue or refuse to issue a license to an Itinerant Merchant or Transient Vendor hereunder. If a license is issued pursuant to the provisions of this Ordinance then a fee shall be collected from the recipient thereof simultaneously with the issuance of the license. The amount of the fee shall be established by resolution of the Town Council and will be a per diem fee based upon the number of days the Itinerant Merchant or Transient Vendor engages in business within the Town of Lakeview.

Section 6 - Penalties. Any violation of this Ordinance shall be prosecuted in the Lake County Circuit Court and shall be deemed to be a Class B Violation pursuant to the provisions of ORS 153.008 and 153.012 as now in effect or as may be amended from time to time.

Section 7 - Severability. If any section, subsection or provision of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance.

Section 8 - Repeal of Ordinance No. 289. Ordinance No. 289 as enacted by the Town Council on May 3, 1938 is hereby repealed in its entirety as are all other ordinances or parts of ordinances in conflict with the terms and provisions of this Ordinance.

Section 9 - Emergency Clause. This Ordinance and its purposes being necessary for the preservation of public peace, health and safety of the Town of Lakeview and its inhabitants, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect after its passage by the Lakeview Town Council.

This Ordinance was read by title only and no council member requested that the Ordinance be read in full and thereafter was adopted unanimously.

DATED this 11 day of October, 2005.

Rick Watson, Mayor

ATTEST:

Town Recorder

(2) Past criminal conviction(s) involving unlawful trade practices as defined in ORS 646.608, fraud or crimes involving moral turpitude.

Section 7. Review of Application. An application review shall include the following steps, upon receipt of a completed application by the city recorder:

(a) A background check on the applicant's criminal record by the Police Department.

(b) A check of the records of the Attorney General's office for conviction(s) of unlawful trade practices.

(c) A check of consumer complaints filed with consumer protection organizations.

(d) Approval with respect to provisions of the city's zoning ordinance.

(e) Approval with respect to use of streets, sidewalks, and traffic flow.

(f) Approval with respect to the proposed use of a structure.

(g) Approval with respect to county, state, or federal regulations governing health and safety.

(h) Approval with respect to potential fire dangers.

A completed application will take no longer than five (5) working days to process through all city offices.

Section 8. Basis for Denial. An application for a business permit shall not be granted if one or more of the following conditions exists:

(a) False or misleading information is supplied on the application.

(b) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude, within the past two years.

(c) The applicant has been subject to an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him/her.

(d) The applicant has been convicted of a violation of this ordinance within the past two years.

(e) The applicant fails to provide written proof of permission to operate from a specific location, signed by the owner or person having care and custody of the building or property.

(f) The applicant's proposed business violates other local, county, state, or federal laws.

(g) The applicant has failed to comply with other conditions imposed by this ordinance.

Section 9. Conditions of a Business License. Temporary and itinerant businesses shall be subject to the following conditions:

(a) The licensee shall display the license during all hours of business operation and solicitation or canvassing within the city.

(b) The license is not transferable.

(c) The conduct of the applicant's business operations shall conform with statements made in the application and with any special conditions of operation imposed upon the license.

(d) The licensee shall not advertise, specifically or in substance, any sale conducted under the permit to be a "closeout sale," "adjuster's sale," "creditor's sale," "assignee's sale," "adjustment sale," "quitting business sale," "removal sale," "liquidation sale," or "fire sale" without first having so stated in the application and provided proof that the above titles accurately describe the merchandise or reason of sale.

(e) Customers shall not obstruct traffic along any sidewalk or street. The minimum setback between any display, table, sign, or customer service area shall be 16 feet from the face of each curb abutting a street.

Section 10. Use of Revenues from Business Licenses. The City Council may allocate revenues generated by this ordinance for any administrative cost or public improvement from which the licenses are benefited.

Section 11. Notice of Revocation of License. A business license shall be revoked if:

(a) The licensee has violated any of the provisions of this ordinance, or

(b) The licensee has made untruthful statements on the application, or

(c) The licensee has violated any of the special conditions applied to the approval of the application.

The chief of police shall give written notice to the licensee that a license has been revoked and list the reason(s) for revocation. The revocation notice shall contain a statement that licensee will be given the opportunity to appeal the action. No new license will be issued for two years to the individual, firm, company, corporation, association or partnership who was the licensee for a revoked license. Fees paid for a license are nonrefundable.

Section 12. Appeal of Notice of Revocation. A written notice of appeal must be filed with the city recorder's office within five (5) days of receipt of a notice of revocation of a business license. The appeal will be scheduled as an agenda item at the next regularly scheduled meeting of the City Council. The appellant will be given notice of the date, time, and place that the appeal will be heard and will be given the opportunity to offer oral or written testimony. A copy of the City Council's decision shall be mailed to the appellant by certified mail.

Section 13. Insurance Representatives. Insurance company agents and representatives who go from house to house within the city, either selling or offering for sale policies of insurance, shall, upon demand of an occupant of the house or of a law enforcement officer, exhibit a certified copy of the agent's or representative's Oregon license to sell insurance.

Section 14. Repeal. Section 16 of Ordinance No. 221; Ordinance No. 280 and Ordinance No. 322 are repealed.

Section 15. Penalties. Any person, firm, company, corporation, association or partnership engaged in a temporary or itinerant business which has been found guilty of violating the provisions of this ordinance shall pay a fine. The maximum fine shall be $200. A separate penalty shall be assessed for each day such person, firm, company, corporation, association or partnership is found guilty of violating provisions of this ordinance.

Section 16. Invalidation Clause. Invalidity of any section, clause, sentence, or provision in this ordinance shall not affect the validity of any other section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 17. Emergency Clause. This ordinance is enacted by the Council in the exercise of its police power and for the purpose of regulating certain businesses and obtaining revenue through licensing of them. In order to obtain the revenue as soon as possible, an emergency is declared to exist. This ordinance shall take effect immediately upon its enactment.

Passed by the Council and approved by the Mayor July 23, 1985

Return

Title 8 Menu | Ordinance Menu | Junction City Directory

Last update: June 29, 2006

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TRANSIENT MERCHANTS

7.470 Definition.

Transient merchant is any person engaged in the business of selling goods or services from a booth, cart, wagon, vehicle or device of any other type, or building upon any private property, when the person is not regularly engaged in a permanently established business of selling goods or services in the city. Any merchant regularly engaged in the vending of food, ice cream, beverages and refreshments who has obtained a vending on city streets permit from the city shall not be considered a transient merchant under this section.

7.472 License Required.

No person shall establish, maintain or operate as a transient merchant within the city unless a license for that use is obtained from the city. Every transient merchant, whether for hire or not, shall be deemed a transient merchant subject to the provisions of sections 7.470 to 7.476. Each licensee shall meet the standards as described in sections 7.000 to 7.006.

7.474 Standard of Operation.

The following shall be required of all transient merchants:

(1) Written permission shall be obtained from the property owner.

(2) All sales shall occur entirely on private property.

(3) All display areas on the property shall be paved, and shall be outside the required 25 foot vision clearance triangle.

(4) Required parking spaces and landscaped areas of the established business on the property shall remain clear.

(5) There shall be room to pull a vehicle off the roadway so that hazardous traffic conditions are not created. Once off the roadway, there shall be adequate room for vehicles to park. Transient merchants shall not rely on parking required of the established business.

(6) Transient merchants may be allowed only on property that is zoned CC-Community Commercial or MRC-Major Retail Commercial.

7.476 License Fee.

Each licensee shall be required to pay the applicable license fee as set by council resolution.

GENERAL ORDINANCE NO. 97-1216

AN ORDINANCE REGARDING THE REGULATION OF TRANSIENT MERCHANTS

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Definitions.

A) "Transient merchant" as used in this ordinance means and includes every person who occupies a fixed location and who is engaged in or participating in a temporary or transient business of selling or exhibiting for sale, or purchasing, goods, wares, or merchandise of any name or nature in the City. The term "transient merchant" shall not be construed to apply to an operator of a concession or business exhibiting for sale, goods, wares, or merchandise of any name or nature as part of or in connection with any athletic event, rodeo, carnival, festival, fair, or public exhibition or event held within or without the City.

B) "Temporary or transient" as used in this ordinance generally means a business not conducted from and within a permanently constructed, fully enclosed structure; however, the term also includes a business conducted from and within a hotel or motel room, or within any space leased or rented on a short-term basis..

Section 2. License Required. No person or other entity shall engage, conduct or participate in the business of a transient merchant in the City without first obtaining a license as provided in this ordinance.

Section 3. License Fee, Application, Issuance. The license fee for a transient merchant as set forth in the attached Exhibit AA@, shall be paid in advance of licensing. Application for such licensing shall be made to the Finance Department in writing and shall contain the name and address of the person or entity to whom the license has been issued, the nature of the business to be conducted, the day or days for which the license is to be granted, the location upon which the business will be conducted, and a description of the business operation adequate to inform City officials of its appearance and manner of operation. The Finance Director or authorized designee shall review the application, and upon verification that the license fee has been paid and all other requirements have been met, the license shall be issued. The transient merchant shall receive a copy of the license and shall display it conspicuously at its place of business.

Section 4. State and County License Required. No license shall be issued to a transient merchant unless the applicant submits with its application documentation that it has obtained all health and sanitary licenses from the State and County where applicable.

Section 5. Signs. Any sign erected or maintained by a transient merchant shall comply with regulations for signs adopted by the City.

Section 6. Agent for Service. The applicant shall appoint a local person, acceptable to the City Attorney, as an agent for accepting service of process, notice or demand required or permitted by law to be served upon the applicant. The applicant shall submit with its application the agent's acknowledged consent to accept such service for the applicant.

Section 7. Conditions. In addition to the requirements herein, conditions of operation which are necessary to protect the public health, safety and general welfare may be imposed on a license.

Section 8. Grounds for Denial. In addition to the requirements listed above, a license shall not be issued if:

A) Any false or misleading information is supplied in the application or any information requested is omitted from the application.

B) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five (5) years.

C) The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against it.

D) The applicant's proposed actual business operation presents a danger to the public health, safety and general welfare which cannot be alleviated through the imposition of a condition of operation.

E) The applicant is unable to provide proof of compliance with all applicable State and County licensing requirements.

F) The applicant has failed to comply with any other applicable provision of this ordinance relating to the proposed conduct of the business.

Section 9. Transferability. No license issued pursuant to this ordinance shall be transferable.

Section 10. Revocation. A license, once issued, may be revoked upon the following grounds:

A) Violation of any of the requirements of this ordinance.

B) The actual operation of the transient business in a manner presenting a danger to the public health, safety and general welfare, or creating a public nuisance.

C) Fraud, misrepresentation or incorrect statement contained in the application for the license.

D) Fraud or misrepresentation in the course of conduct of the licensed business.

E) Conviction of any crime involving fraud or moral turpitude.

F) Violation of any ordinance of the City of The Dalles.

Notice of revocation shall be delivered to the licensee or its agent setting forth in writing the grounds thereof by the City Attorney. Notice shall be delivered either personally or by certified mail, return receipt requested, to the current address shown on the City's records. Upon receipt of such notice, the licensee's business operation shall be terminated and removed within two (2) hours. Upon revocation, the City shall refund any unused license fees.

Section 11. Violations. Violation of any of the provisions of this ordinance is an infraction, punishable by a fine not to exceed the sum of $250.00 for each violation thereof. The sale of each article by any transient merchant without a license shall be deemed a separate offense under this ordinance and a separate violation of this section.

Section 12. Appeal. Any transient merchant aggrieved by the denial or revocation of a license or any action taken by the City under this ordinance shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within three (3) days of the action or conduct complained of, a written statement setting forth the grounds for appeal. The City Council shall set a time and place for hearing within thirty (30) days of receipt of such statement and written notice shall be delivered to the appellant and all affected parties in the manner provided herein for delivery of notices of revocation. The decision of the City Council after such hearing shall be in writing, shall set forth findings of facts and shall be final. A certified copy of the decision of the Council shall be delivered to the appellant and all affected parties in the manner indicated above.

Section 13. Action on Expiration of License. Upon the termination of its license, the transient merchant shall remove its business operation, including all signs and vehicles from the licensed location within two (2) hours and shall leave the location in a clean and orderly manner.

Section 14. Exemptions.

A) Any non-profit organization, community organization, service club, or charitable organization or seller of Oregon-grown produce grown by that seller, whose activities fit within the definition of a "transient merchant", shall be exempt from the licensing requirements herein and entitled to a license without a fee on the condition that it submit to the Finance Director in writing:

(1) The names and addresses of the officers and/or directors of the organization.

(2) The name and address of the person actually in charge of the operation.

(3) A description of the operation adequate to inform the Finance Director and other City officials of its appearance and manner of operation.

B) Notwithstanding the exemption described above, any conditions of operation which are necessary to protect the public health, safety, and general welfare may be imposed on a license granted under subsection (A).

C) Notwithstanding the exemption described above, the license of an exempt organization or individual may be denied or revoked upon the grounds set forth in Section 10. All rights of appeal set forth above shall apply to an exempt organization or individual.

Passed by the City Council and approved by the Mayor December 8, 1997.

5.12.150 Exemption from provisions

CHAPTER 5.16 - SECURITY PATROL SERVICES
5.16.010 Security patrol service or system defined
5.16.020 Security patrol license and employee permits required
5.16.030 License--Application--Required information
5.16.040 License--Investigation and recommendation
5.16.050 Security bond--Requirements
5.16.060 Employee permits--Application--Issuance conditions
5.16.070 Licenses and permits--Terms and conditions-- Suspension and revocation
5.16.080 Appeal procedure
5.16.090 Licenses and permits--Duration--Transferability
5.16.100 Licenses and permits--Renewal
5.16.110 Licenses and permits--Fees
5.16.120 Violation--Penalty

CHAPTER 5.20 - TAXICABS
5.20.010 Applicability of provisions
5.20.020 License--Required
5.20.030 License--Application--Required information
5.20.040 License--Duration--Investigation and report
5.20.050 License--Issuance conditions
5.20.060 Service rates--Establishment--Exhibition required
5.20.070 Vehicle requirements—Annual Inspection
5.20.080 Insurance requirements
5.20.090 License--Fees
5.20.100 Carrying unlawful material prohibited
5.20.110 License--Transferability
5.20.120 Cab driver permit--Required
5.20.130 Cab driver permit--Issuance conditions
5.20.140 Cab driver permit--Fees--Renewal
5.20.150 Cab driver permit--Revocation
5.20.160 Cab driver permit--Appeal
5.20.170 License--Revocation
5.20.180 Effect of notice
5.20.190 Violation--Penalty
5.20.200 Franchise agreements

CHAPTER 5.24 - USED ARTICLE DEALERS
5.24.010 License--Required--Applicability of provisions
5.24.020 License--Application--Fees--Investigation-- Appeals
5.24.030 License--Issuance
5.24.040 License--Transferability
5.24.050 License--Exhibition requirements
5.24.060 License--Cancellation
5.24.070 Purchases--Record requirements
5.24.080 Purchases--Restrictions
5.24.090 Sales--Restrictions
5.24.100 Enclosure requirements
5.24.110 Compliance with state law required
5.24.120 Violation--Penalty

back to top

TITLE 5 - BUSINESS TAXES, LICENSES AND REGULATION

CHAPTER 5.04 - BUSINESS AND OCCUPATION TAXES *(Repealed by Ord. 1825, effective April 25, 2002)*

CHAPTER 5.07 - TRANSIENT MERCHANTS AND SPECIAL EVENTS

(Ord. 1527, 1983; Amended Ord. 1595, 1988; Amended Ord. 1596, 1988; Repealed Ord 1726, 5/96;

Re-enacted Ord. 1752, 1998; Amended Ord. 1757 eff. 1999; Amended Ord. 1825, 2002); amended Ord. 1859, 2004; Amended Ord. 1870 (2005)

Sections:

5.07.010 Title
5.07.020 Purpose and Scope
5.07.030 Definitions
5.07.040 License - Required - Fees
5.07.050 License - Application - Standards and Limitations
5.08.060 Application Process - Issuance - Appeal
5.07.070 Display of License
5.07.080 Removal of Structures
5.07.090 Penalty - Hold Harmless and Indemnification

back to top

5.07.010 Title. The provisions of this chapter are intended to authorize and regulate transient vending and special events on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter 5.07 entitled "Transient Merchants and Special Events," and those sections and subsections set forth below.

5.07.020 Purpose and Scope.

A. This ordinance provides reasonable and necessary regulations for the licensing of transient merchants and special events in order to:
1. Protect the public health and safety;
2. Maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
3. Prevent interference with the peaceful enjoyment of the areas near places where the transient vending activity or special event is occurring; and
4. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the city.

B. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

C. These regulations shall apply to activities on city-owned and leased property.

D. These regulations shall not apply to garage sales, yard sales, rummage sales or swap meets conducted on private property, provided that the sale is not conducted over a period in excess of 4 consecutive days or more often than 3 times per calendar year.

E. These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs.

F. These regulations shall not apply to temporary or seasonal uses within permanent structures, except for those activities within permanent structures subject to regulation as a special event.

G. Regulation of special events shall not apply to private parties or to events taking place within a permanent structure having a current on-premise license from the Oregon Liquor Control Commission

H. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.07.030 Definitions. The following definitions shall apply to this chapter.

"Dance" includes a dance which is open to the public, or for which admission is charged directly or indirectly.

"Person" includes the singular and plural and any individual, firm, corporation, association, club, co-partnership or society or any other organization.

"Special event" includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the City under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and

public dances.

"Transient merchant" includes any person who offers food, beverages, produce, merchandise, a service, or other thing of value for sale within the city on a temporary or seasonal basis. The following classes of transient merchants are hereby established:

1. Class 1: A transient merchant requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. "Utilities" includes water, storm sewer or sanitary sewer. A license to a Class 1 transient merchant is issued for a single period per calendar year, not to exceed 180 consecutive days, with no renewals or extensions.

2. Class 2: A transient merchant not requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. A license to a Class 2 transient merchant is issued for a period of 30 consecutive days, with a maximum of 5 renewals per calendar year (maximum 180 days).

"Waterfront" includes that area in the City located north of Interstate 84, west of the Hood River, and east of Wells Island.

5.07.040 License - Required - Fee. No person shall engage in business as a transient merchant or conduct a special event within the city without first obtaining a license as provided in this chapter. No person shall be deemed to be exempt from the application of this chapter by reason of that person having conducted business within the City prior to the effective date of this ordinance. The license fees shall be set by resolution of the City Council. The fees shall be payable in full at the time of submission of an application and shall be non-refundable. No license shall be assignable or transferable or shall authorize the applicant to conduct any other type of business or special event.

5.07.050 License - Application - Standards and Limitations. An applicant for a license under this chapter must file an application in writing. The City Recorder shall provide the application form and establish written procedures and submittal requirements necessary to process the application in accordance with this Chapter. The application will be reviewed to determine compliance with the following standards and limitations:

A. Transient Merchant License.
1. The proposed use must meet the definition of "transient merchant" and be subject to classification as set out in Section 5.07.030. Any use not meeting the definition of "transient merchant" or subject to classification shall be deemed to be a use subject to review under chapter 17.03.050.
2. Transient merchants shall not be permitted in the R-1, R-2 or R-3 zones. Written permission of the property owner for the proposed use shall be required. No encroachment upon city rights-of-way shall be permitted.
3. Each license shall be issued for a single fixed location, and no transient merchant shall change location except upon a permitted license renewal; provided, however, that the Waterfront shall be considered one location for purposes of this section, and movement within the Waterfront shall be subject to regulation by the Port of Hood River or its designee.
4. No transient merchant who is a food vendor shall be permitted to provide tables or seating for the use of patrons. A table for condiments will be permitted.

B. Special Event License
1. The proposed use must meet the definition of "special event." Any use not meeting the definition of "special event" shall be deemed to be a use subject to review under chapter 17.03.050
2. Special events shall not be permitted in the R-1, R-2 or R-3 zones. Written permission of the property owner for the proposed use shall be required.
3. A special event license is issued to the sponsor of the special event.
4. The license shall be limited to the duration of the special event, not to exceed 15 days.
5. The application must be submitted 30 days prior to the first day of the special event. An application submitted after the deadline will be considered if accompanied by a late fee and submitted no later than 14 business days prior to the first day of the special event. If the 30th day falls on a day when the City administrative offices are closed, the application will be considered if it is received by the City on the next business day.
6. The Chief of Police shall have the authority and discretion to set general policy for security and safety for special events and to determine the specific security and safety requirements for an individual special event.

C. All licenses shall also comply with the following:
1. All licenses must comply with all applicable state and local laws, including but not limited to regulations and standards imposed or enforced by the Hood River County Sanitarian and the Hood

River Municipal Code.
2. All waste shall be disposed of in compliance with all city, county and state standards, and may not be poured into storm sewers or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the license.
3. No use will be permitted:
a. Within the required landscape or setback area of the property;
b. That blocks vision at street intersections;
c. That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic;
d. That blocks entrances or exits from buildings;
e. That blocks a driveway or otherwise impedes the flow of vehicular traffic;
f. Within 10 feet of any disabled parking space or access ramp,
g. Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station;
h. Within any service drive of a parking lot; or
i. In a location that conflicts with any fire or safety code regulations.
4. The City Recorder may impose conditions of approval on the license that are necessary to comply with the requirements of the license and this chapter. In determining whether to grant or deny a license, or in setting any conditions of approval, the City Recorder shall consider:
a. The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
b. Criminal history of the applicant or event sponsor;
c. Any documented history of problems with an applicant or event previously held;
d. Suitability of the premises for the type of activity applied for; and
e. Compliance with all applicable local and state laws, ordinances and regulations, and the standards set forth in this section.
5. The conditions applicable to a license may include the right of the city or the County Sanitarian to a post-licensing inspection of the licensee's business premises to insure compliance with appropriate structural, mechanical, fire, health and/or safety regulations or concerns. Inspection may also be conducted from time to time during the course of the license period, as deemed necessary by the city or the County Sanitarian. If the licensee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the licensee's license shall be revoked, without refund.
6. The Fire Marshal shall have the authority and discretion to set general policy for fire safety, including inspections, and to determine the specific fire safety requirements and require a fire safety inspection for any individual transient merchant or special event. Whenever in the opinion of the Fire Marshal it is necessary for public safety at a special event, the Fire Marshal may require the special event licensee to contract with the City for standby fire and emergency medical watch through the City's Fire Department. The licensee shall be responsible for paying the City's fee for such coverage and the licensee shall execute a contract for the services as a condition to receiving the special event license.
7. The Building Official shall have the authority and discretion to require structural inspections for any temporary structure.
8. All licensees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the Oregon Legislature naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the license is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.
9. All licenses shall include a condition of approval requiring the licensee to reimburse the City the costs incurred by the Police Department and Fire Department in responding to the special event or transient merchant's operation. Payment must be made to the City within 30 days of the date of the City's invoice. In any action to collect unpaid balances, the City is entitled to collect its cost and attorney fees.

5.07.060 Application Process - Issuance - Appeal.

A. Application Process. Upon receipt of a completed application and fee, the City Recorder shall refer the application to the appropriate city departments for review and, if applicable, to the County Sanitarian.

B. Issuance. The City Recorder shall issue a license if the City Recorder finds that the application

has been approved by the appropriate departments, or can meet approval through appropriate conditions.

C. Appeal. Any person whose application for a license has been denied, whose license has been issued subject to conditions, who disagrees with the transient merchant class assigned to the application, or whose license has been subsequently revoked, may appeal the decision to the City Manager. The City Manager's decision may be appealed to the City Council. The appeals shall be filed within five (5) days of the date of the decision from which the appeal is being made and shall be filed with the City Recorder. No business shall be conducted during the pendency of the appeal. The fee for appeals shall be set by Council resolution. The Council shall schedule a hearing date that shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative.

5.07.070 Display of License. The licensee shall display the license, together with any conditions, at all times on the business premises, in a location visible to customers.

5.07.080 Removal of Structures. Any structures, carts, vending units, tents, tables or other appurtenances used by the licensee may not be located or relocated on the property until commencement of the license term, and shall be removed from the property promptly upon expiration of the license term.

5.07.090 Penalty - Hold Harmless and Indemnification. Any person who violates or causes a violation of any provision of this chapter shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal code. Upon any violation the City Manager, or a designee of the City Manager, may order the licensed activity to cease, and upon receipt of written notice, the activity shall immediately cease. Any such persons and licensees shall indemnify and hold the city and its officers, agents and employees harmless from and against all claims for injury, loss or damage arising out of or in any way related to the operation of licensee's business. This agreement to indemnify or defend shall survive termination or revocation of licensee's license.

CHAPTER 5.09 - HOTEL TAX

Sections:

5.09.010 Title
5.09.020 Definitions
5.09.030 Tax Imposed
5.09.040 Collection of Tax by Operator - Rules for Collection
5.09.050 Operator's Duties
5.09.060 Exemptions
5.09.070 Registration of Operator - Form and Contents - Execution - Certification of Authority
5.09.080 Due Date - Returns and Payments
5.09.090 Penalties and Interest
5.09.100 Deficiency Determinations - Fraud - Evasion - Operator Delay
5.09.110 Redeterminations
5.09.120 Security for Collection of Tax
5.09.130 Lien
5.09.140 Refunds
5.09.150 Collection Fee
5.09.160 Administration
5.09.170 Appeals to City Council
5.09.180 Severability
5.09.190 Violations
5.09.200 Penalties

back to top

5.09.010 Title. There is added to the Hood River Municipal Code Chapter 5.09 entitled "hotel tax" and those sections and subsections that are hereafter set forth. (Ord. 1500. 1981)

5.09.020 Definitions. Except where the context otherwise requires, the definitions given in this section govern the meanings of the following words and phrases as used in this chapter.

A. "Accrual accounting" means a system of accounting in which the operator enters the rent due

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 b.** Council Hearing Date: July 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Review City Fee Schedules

SUMMARY AND BACKGROUND:

Water and Sewer utility rates and Planning Fees were updated in fiscal year 2011. Most other city fees have not been reviewed since fiscal year 2009. Some of the fees in Resolution R0809-12 appear to conflict with each other and others are not clearly defined. Additionally, fees charged by the Visitor Center are not in any resolution. The fees should be reviewed to ensure the City is adequately covering the cost of business and that the fees are clear and understandable.

FINANCIAL IMPACT:

None at this time, however, some fees may increase or decrease depending on the discussion outcome.

DOCUMENTS ATTACHED:

- Copies of the fee resolutions: R0809-12 General City Fees, R0809-8 Water Rates, R1011-19 Planning Fees and R1011-30 Base Sewer Rates

REQUESTED MOTION/ACTION:

Discussion on adequacy of current fees schedules.

COPY OF REPORT SENT TO:

Council

RESOLUTION R1011-30

A RESOLUTION REPEALING R1011-28 & MODIFYING THE BASE SEWER RATE AND IMPLEMENTING AN ANNUAL INFLATION ADJUSTMENT FOR SEWER FEES

WHEREAS: The City of Gold Beach provides sewer services for businesses, agencies, and private residents within the Gold Beach city limits; and

WHEREAS: The City of Gold Beach is undergoing significant wastewater system facility improvements to correct operational deficiencies, update and replace deteriorating structures and equipment and to expand collection and treatment capacity; and

WHEREAS: City of Gold Beach utility Code Section 3.400 grants the City Council exclusive control of and regulation over sewer use charges, including the authority to review, and by resolution, to set or change sewer services charges; and

WHEREAS: As a finding of the recent sewer rate study, the Rural Community Assistance Corporation (RCAC) recommended raising base sewer rates by at $4.63 per ERU to pay debt service for wastewater treatment facility improvements and ensure adequate revenues to cover operational expenses; and

WHEREAS: RCAC further recommended that the City Council for the City of Gold Beach adopt annual revenue adjustments for sewer rates to ensure revenues keep pace with inflation.

WHEREAS: During the fiscal year 2011-2012 budget preparation process it was determined that the full $5 per ERU base rate increase adopted in Resolution R1011-28 is not necessary until fiscal year 2012-2013.

WHEREAS: The annual revenue adjustment as referenced above is necessary to implement for fiscal year 2011-2012, which will amount to $1 per ERU.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Gold Beach hereby repeals resolution R1011-28; and

BE IT FURTHER RESOLVED that in order to service the upcoming construction debt for improvements to the wastewater treatment facility and ensure adequate revenues to cover operational expenses during the upcoming fiscal year, the City Council

for the City of Gold Beach hereby increases the sewer base rates from $19.00 per ERU to ***$20.00*** per ERU beginning July 1, 2011; and

BE IT FURTHER RESOLVED that in order to maintain a financially sustainable sewer utility system, the City Council for the City of Gold Beach hereby authorizes annual revenue adjustments based on the Municipal Cost Index, published by American City and County, for the City of Gold Beach Sewer Utility Fund beginning July 1, 2012.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, AND EFFECTIVE THIS 11TH DAY OF APRIL 2011

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Jodi Fritts, City Recorder

RESOLUTION R1011-19

A RESOLUTION SETTING A FEE SCHEDULE FOR LAND USE PLANNING ACTIONS

WHEREAS: The City of Gold Beach provides land use planning services to the citizens of the City, and;

WHEREAS: ORS 227.175 provides for municipalities to establish a fee schedule for processing land use applications.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby adopts the fee schedule attached as EXHIBIT A for land use planning actions for the fiscal year 2010-2011

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11th DAY OF JANUARY, 2011.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Jodi Fritts, City Recorder

EXHIBIT A
LAND USE PLANNING FEE SCHEDULE
Fiscal Year 2010-2011

PLANNING ACTION	FEE
CONDITIONAL USE PERMITS	
Planning Commission Decision Conditional Use Permit Floodplain Development Permit Variance	$600
Administrative Decision by Planning Director	$425
Permit Renewal AD CUP Planning Commission Decision	$200
LAND DIVISION	
Subdivision	$1550
Partition	$1000
Lot Line Adjustment/Vacation	$500
OTHER LAND USE ACTIONS	
Building and/or Sign Permit Review	$100
Zone Change	$1800
Appeal of Planning Commission or Director Decision	Cost of original application

RESOLUTION R0809-8

A RESOLUTION ESTABLISHING NEW WATER RATES AND REPEALING R0405-19

RECITALS:

A. The City of Gold Beach Water Code authorizes the City Council to establish rules, fees and charges by Resolution.

B. The City's water rates have not increased since April 11, 2005.

C. The City built a water treatment plant in 1999 with operating expenses close to $110,000 a year.

D. The City continues to absorb the increases in materials, testing, chemicals, personal services and general operations, which has resulted in a lack of funding for future projects.

E. In keeping with the City's "pro-active" approach, it is necessary to begin setting aside reserve funds for future infrastructure projects.

F. Resolution R0405-19 is repealed.

NOW, THEREFORE BE IT RESOLVED that effective April 1, 2009 the water rates for consumers will be increased as follows:

1. The minimum water bill of all rates will be increased by $1.00 on April 1, 2009.
2. The minimum water bill of all rates will be increased by $1.00 on April 1, 2010.

INCREASES	Current	4/1/09 Proposed	4/1/10 Proposed
Inside Residential	$13.85	$14.85	$15.85
Outside Residential	$15.47	$16.47	$17.47
Inside Commercial	$19.85	$20.85	$21.85
Outside Commercial	$22.38	$23.38	$24.38

Passed by the City Council of the City of Gold Beach on March 9, 2009.

James H. Wernicke, Mayor

ATTEST:

Shirley Walker, Recorder

RESOLUTION R0809-12

A RESOLUTION SETTING A FEE SCHEDULE FOR CITY SERVICES AND RESCINDING R0607-19 and ANY OTHERS THAT MAY BE IN CONFLICT

WHEREAS, the City of Gold Beach provides numerous services to businesses, municipalities, courts and private parties, and

WHEREAS, costs in general have risen over the years making it necessary to increase the cost of these services.

NOW, THEREFORE BE IT RESOLVED, that effective May 1, 2009, the City of Gold Beach will use the following fee schedule:

BE IT FURTHER RESOLVED that Resolution R0607-19 and any others that may be in conflict are hereby repealed.

	Fee or Charge
Misc General Fees/Charges	
Social Games Fee (Non Profit Organizations Exempt)	$300. per table
Yearly Fire Contract: Wedderburn Fire District	Current, negotiated signed Agreement
Sign Permit	$50. for 1st 25 sq ft- .75 thereafter
Sign Variance application	$150.
Business License Basic Fee (unless otherwise specified below for each business enterprise, including hotel motel.	$75. per yr + 10% late fee
Residential and/or commercial lessors	$75. per yr for up to 3 units. $ 3. per unit thereafter
Carnivals and similar shows	$75. per day
Amusement machine	$50. per machine
Vending machine	$10. per machine
New Address w/sign (Additional signs $25)	$75.
Candidacy Filing Fee	$50.
Copy Fee (8 1/2" x 11")	.25 page
Research Fee over 15 min	$26. per hour
Copies of reports	$20. up to 5 pages then $1.00 per page

Filing at Clerks Office	Actual cost of filing
Liquor License Fee	$100. Original license $75. Ownership change Privilege Change Location Change $35. Renewal or temporary application
NSF Check Fee	$30.
Copy of Video tape Copy of Audio tape	$25./your tape $20. $15./your tape $12.
Nuisance Abatement	Cost of having it done, plus $75. admin. fee
2nd Nuisance Notice if mailed before citation/lien is filed)	$15.
Assessment Ordinance for Local Improvement Districts	Depends on cost of project & interest at the time it is passed
Lien Searches Charges for filing and satisfaction	$15. Actual cost of filing + current administrative costs
Fax - incoming	$3. each page
Fax - outgoing	$4. each page
List of businesses List of businesses on labels	$15. base +.25 per page $20. base+$1.00 per page of labels
Administrative Towing Fee	$100.00
Labor Fees	Current wage+benefits+15%
Equivalent Residential Unit (ERU)	7,000 gallons
RV Spaces and/or Rental Cottages located in a Mobile Home Park (mixed use)	.30 ERU per space
Mobile Home Parks	1 ERU per space
Special Sewer Assessments (Developers)	Actual cost of project per ERU (Not to exceed $5,000 per ERU)
MISC WATER SEWER CHARGES	
Water/Sewer Deposit - Residential	$200.
Water/Sewer Deposit - Commercial	2 Highest Utility Bills (Minimum of $200)
Meter Accuracy Test Fee at consumer's request. (If inaccurate, no charge)	Cost + 1 HR labor

Temp Connect or Disconnect (not to Exceed 30 days) at Customers request for private plumbing or ?	$ 30.00 (off & on)
(Weekend/holiday/after hours)	$ 80.
Monthly Maint Rate - monthly billing (Water on, no city sewer account) (we have one customer)	$10. per month
(Water off-monthly billing)	
Inside Residential	$ 7.50 per month
Outside Residential	$ 8.00 per month
Sewer Line 101 debt service payback	$ 6. per ERU
Sewer Reserve Fund (SRF)	$ 3. per Account
Sewer Treatment Plant Reserve Fund (STP)	$20. per ERU
	$12. per ERU Motels-RV
Checking Water Meter at Consumer's request for leak, or whatever (If meter is accurate-customer pays all charges, plus current bill)	$20.
Moving or altering meter at Consumer's request	City cost of equipment/ labor/materials
Damage to water service installation	Direct and indirect costs
Delinquent Charges	10% of amount past due
Disconnect & Reconnect (delinquency)	$30.
Weekend/holiday/after hours	$80.
"Red Flag" Notices of delinquency When they have to be filled out, regardless of if they come in and pay before PW hang them. (The red flag is actually the 3rd notice before work orders are made out and the service is shut off.)	$25
Charge because user turns water on Or off without authority	$75.
Water Hydrant Standby Fee	$25. Month
TVing Sewer lines portal to portal	$80. hr + labor for 2 men
Pickup	$ 40. hr + labor
Backhoe	$145. hr + labor
Sewer Sludge Truck	$145. hr + labor
Brush Cutter	$140. hr + labor
Tapping Machine	$400. includes labor
Sewer Cleaner	$225. hr + labor
Dump Truck	$140. hr + labor
Street Sweeper	$200. hr + labor
Compactor	$ 40. hr + labor
Brush Chipper	$125. hr + labor
Labor Charges	$ 40. hr

All services, equipment, supplies, materials, labor are subject to 15% overhead.

SYSTEM DEVELOPMENT SDC CHARGES (SDC):
Water: ¾" meter $2753 Minimum
Sewer: 1 Equivelant Residential Unit (ERU) $4398 Minimum
Streets: $1232
The above charges reflect the minimum charges. If additional work is required (boring under road, etc) customer will be billed the additional charges.

Fire:
The following charges for responding to fires outside the current fire districts and not included in the mutual agreement listed in Resolution R-9192-19.

FIRST PUMPER:	$350. HR
SECOND PUMPER:	$300. HR
MANPOWER:	$ 40./HR/MAN
MATERIALS (FOAM ETC)	CITY'S COST

MINIMUM OF 1 HR, 1/2 HOUR INCREMENTS AFTER THAT
ENGINE PAY ENDS WHEN RETURNED TO STATION
MANPOWER PAY ENDS WHEN ENGINES ARE RESET FOR THE NEXT CALL
NO CHARGE FOR THE JAWS OF LIFE

These charges will also apply to anyone in the districts, with or without a burn permit, whose fire gets out of control requiring a fire department response.

Police:
Excessive False Alarms
As a result of excessive false alarms, the City needs to recover some of the direct costs involved by charging a fee for response to repeated false alarms that were the result of employee/human error. When an off duty officer responds to these false alarms it results in a call out cost of 2 .5 hours overtime.

1. Three employee/person errors are allowed per calendar year at no cost to the person/business.

2. Three electro/mechanical malfunctions per calendar year will be allowed provided there are measures taken by the responsible persons to verify the problems and take corrective action.

3. The fourth and each subsequent calls due to employee/person error or electro/mechanical error will result in a fee of $125.

Each response to a false alarm will be dated and signed by the employee/person and the responding officer.

FEE SCHEDULE FOR PLANNING DEPARTMENT
The City contracts with the County Planning Department and has adopted the County Planning Department Fees that they may change from time to time.

Planning: Applicant will be responsible to the City for any City contracted expenses.

MAPS AND PRINTED INFORMATION FEES

City's Comprehensive Plan	$ 40.
City's Zoning Ordinance	$ 30.
City's Zoning Ordinance Maps	$ 20.
City's Zoning Ordinance Big Map	$ 25.
Exceptions Document	$ 30.
Natural Resources Document	$ 30.
City's Subdivision Ordinance	$ 20.
Road Standards Ordinance	$ 20.
Flood Prevention Ordinance	$ 20.
Bound City Address Book	$ 25.
City Budget (No tabs, No notebook)	$ 22.
City Audit	$ 25.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, THIS 8th DAY OF JUNE 2009.

Approved by:

James H. Wernicke, Mayor

ATTEST:

Shirley Walker Recorder

GOLD BEACH CITY COUNCIL
AGENDA REPORT

Agenda Item No. **10 c.** Council Hearing Date: July 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Invitation to attend Regional Economic Development presentation by SORENDI in Brookings

SUMMARY AND BACKGROUND:

The Brookings City Council is holding a special workshop on economic development specifically to hear a presentation from Southern Oregon Regional Economic Development Inc. (SORENDI). The City Manager of Brookings has requested that I extend the invitation to attend the workshop on July 16th to the Mayor and Council members. Attached is the City of Brookings Council Workshop Report.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- Copy of City of Brookings Council Workshop report

REQUESTED MOTION/ACTION:

Information only no action requested

COPY OF REPORT SENT TO:

Council

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: July 16, 2012

Signature (submitted by)

Originating Dept: City Manager

City Manager Approval

Subject: Regional Economic Development – SOREDI Presentation

Background/Discussion:
This is a special City Council workshop on economic development, specifically to hear a presentation by Ron Fox, Executive Director of Southern Oregon Region. Based in Medford, SOREDI conducts business recruitment and assistance programs in Jackson and Josephine Counties.

Fox's presentation will focus on SOREDI's successful business recruitment program that has been operating in the Rogue Valley. He will also provide information on the organizational structure and funding of the regional economic development agency.

The City Manager has invited representatives of other local agencies in Curry and Del Norte Counties to the workshop in hopes of kicking off a discussion of developing a similar program for the two-county coastal region.

The City Manager heard Fox's presentation at the Brookings Chamber of Commerce Annual Economic Outlook Forum describing their successful program to turn tourists into local business entrepreneurs. The City Manager believes that Brookings would benefit from the formation of a similar program in the two-county coastal region. The City Manager believes that none of the local agencies in our region, acting individually, has the resources necessary to undertake an effective economic development program.

Among its programs, SOREDI uses a tourism database to contact repeat visitors to the Rogue Valley and solicit their interest in relocating to the area. A number of these former tourists have relocated to the Rogue Valley, have brought their business with them and created jobs.

SOREDI was initially formed as a partnership among the cities of Medford, Grants Pass and Ashland, the counties of Jackson and Josephine, and three major utility companies in 1987. The organization assists in locating sites and incentives for local business that are expanding or firms from out of the area considering relocation. They also provide an array of business assistance services, administer a revolving loan fund and work with regulatory agencies to resolve issues relating to business expansion.

Grant funding may be available to develop a business plan for the creation of a SOREDI-like program in Curry/Del Norte Counties through the USDA Rural Business Opportunity Grant Program. Grants of up to $50,000 are available to fund projects that improve economic conditions in rural communities. Among the eligible uses of these funds are conducting

feasibility studies and business plans, and long-term business strategic planning. Applications are due August 6.

One alternative would be to expand the existing Tri-Agency Economic Development Commission (County of Del Norte, City of Crescent City and Port of Crescent City) to include similar agencies in Curry County. Representatives of the Tri-Agency plan to attend the workshop.

Attachments:

a. Tri-Agency home page.