



CITY COUNCIL AGENDA
January 11, 2016, 6:30PM
Regular Meeting

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 Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
STARTING VOTE		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3. **Special Orders of Business:**

- a) Appoint 2016 Mayor Pro Tem *(pursuant to Council Rule No. 6)*
- b) Appoint City representative and alternate to Curry County Local Public Safety Coordinating Council 2016-2018

4. **Consent Calendar:**

None Scheduled

5. **Citizens Comments**

As presented to the Mayor at the beginning of the meeting

6. **Public Hearing**

- a. Liquor License request from Ellensburg Theater Company

7. **Citizen Requested Agenda Items**

- a. Request to consume alcohol in the park: Marstall

8. **Public Contracts and Purchasing**

None Scheduled

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

9. Ordinances & Resolutions

None Scheduled

10. Miscellaneous Items (including policy discussions and determinations)

- a) Current list of City committee/commission members (*pursuant to Council Rule No. 44*)
- b) Continuation of review of current city fee schedules (*pursuant to City Goal 1(g)*)
- c) Update and request for direction on Dangerous Building 29448 Russell Street
- d) Further discussion on regulation/taxation of marijuana businesses

11. City Administrator's Report

To be presented at the meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Becky Campbell
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Vacant

13. Citizens Comments

As permitted by the Mayor

14. Executive Session

An executive session is scheduled following the regular council meeting. The executive session is being held pursuant to ORS 192.660 (2) (f): To consider information or records that are exempt by law from public inspection, including written advice from the City's attorney.

The next scheduled meeting of the Gold Beach City Council is **Monday, February 8, 2016, 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

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SPECIAL ORDERS OF BUSINESS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **3 a.**
Council Hearing Date: January 11, 2016

TITLE: Mayor Pro-Tem for 2015

SUMMARY AND BACKGROUND:

Pursuant to the City Charter Chapter IV, Section 19 the Council shall appoint a Mayor Pro-Tem at the first regular meeting in January annually. Councilor Kaufman served as Mayor Pro-Tem for 2015.

REQUESTED MOTION/ACTION:

Council decide on 2016 Mayor Pro-Tem

SAMPLE MOTION:

I make the motion that we appoint Councilor XX as Mayor Pro-Tem for calendar year 2016.

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3 b.
Council Hearing Date: January 11, 2016

TITLE: Local Public Safety Coordinating Council 2016-2018 appointment

SUMMARY AND BACKGROUND:

The Curry County Local Public Safety Coordinating Council (LPSCC) was reactivated late last year after a several year hiatus. A LPSCC is required by statute (the ORS section is provided below) and meets quarterly. The adopted bylaws of County’s council have a rotating schedule of city members as shown below (the complete bylaws are attached).

To ensure each municipality is represented at LPSCC, the following appointments and terms are scheduled through December 2018:

Appointment Term	Brookings	Gold Beach	Port Orford
1/2011-12/2013	City Manager or other City Representative	Police Chief	City Councilor/Mayor
1/2013-12/2015	City Councilor/Mayor	City Manager or other City Representative	Police Chief
1/2016-12/2018	Police Chief	City Councilor/Mayor	City Manager or other City Representative

For the 2016-2018 biennium Gold Beach’s member shall be a City Councilor or the Mayor. The Council will need to appoint an official member to the LPSCC, and designate an alternate. Since the makeup is councilor or mayor, staff would suggest appointing the Mayor and the Mayor Pro-Tem as our representative and alternate. Chief Andrews and I will continue to attend the meetings as non-voting members.

ORS 423.560 Local public safety coordinating council; duties. (1) The board of county commissioners of a county shall convene a local public safety coordinating council. The council shall include, but need not be limited to:

- (a) A police chief selected by the police chiefs in the county;
- (b) The sheriff of the county or, if two or more counties have joined together to provide community corrections services, a sheriff selected by the sheriffs in the counties;
- (c) The district attorney of the county or, if two or more counties have joined together to provide community corrections services, a district attorney selected by the district attorneys of the counties;

(d) A state court judge, and a public defender or defense attorney, both appointed by the presiding judge of the judicial district in which the county is located;

(e) A director of community corrections, a county commissioner, a juvenile department director, a health director, a mental health director and at least one lay citizen, all appointed by the county commissioners;

(f) A city councilor or mayor and a city manager or other city representative, both selected by the cities in the county;

(g) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police; and

(h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority.

(2) The boards of county commissioners of two or more counties may jointly convene a single, regional local public safety coordinating council by means of an intergovernmental agreement. Local officials may combine the council with existing local criminal justice advisory councils established under ORS 1.851.

(3) The local public safety coordinating council shall, at a minimum:

(a) Develop and recommend to the county board of commissioners a plan for use of:

(A) State resources to serve the local offender population; and

(B) State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies; and

(b) Coordinate local criminal justice policy among affected criminal justice entities.

(4) Nonvoting members of a local public safety coordinating council may not be counted in determining whether a quorum exists.

(5) If a quorum is present at any meeting of the council, action may be taken by an affirmative vote of a majority of the quorum.

(6) The appointing authorities described in subsection (1) of this section shall fill a vacancy over which they have appointment authority within three months of a vacancy or as soon as possible. [1977 c.412 §12; 1995 c.423 §11; 1997 c.249 §136; 1997 c.698 §1; 2003 c.162 §1; 2007 c.682 §2; 2009 c.286 §1]

REQUESTED MOTION/ACTION:

Decide who to appoint as City representative and alternate to the Curry County Local Public Safety Coordinating Council (LPSCC) for 2016-2018.

SAMPLE MOTION:

I make the motion that we appoint INSERT NAME as City of Gold Beach representative to the Curry County Local Public Safety Coordinating Council.

I make the motion that we appoint INSERT NAME as the City of Gold Beach designated alternate representative to the Curry County Local Public Safety Coordinating Council.



Curry County Local Public Safety Coordinating Council

Date _____

Annual Designation of Alternates

Curry County LPSCC Bylaws Article VII provides that each voting member, with the exception of the lay positions, may designate their alternate at the first meeting at the beginning of each calendar year. The written designation must be submitted to the Secretary for the record.

Sgt. David Denney

Curry County P&P Director

LPSCC Chair

Jonathan Trost

Curry County Juvenile Director

Vice Chair

Jodi Fritts-Matthey

City Administrator Gold Beach

Secretary

Ken Dukek

CEO Curry Community Health

Jesse Margolis

Circuit Court Judge

Tom Huxley

Curry County BOC

John Ward

Curry County Sheriff

Everett Dial

Curry County District Attorney

John Spicer

Curry Defense Consortium

Ron Hedenskog

Mayor City of Brookings

Hank Hobart

Chief of Police Port Orford

Terrie Richards

City Administrator Port Orford

Tyler Lee

Lieutenant Oregon State Police

Member

Member

I, _____, _____
 (Member's Printed Name) (Position: Sheriff, DA, etc)

hereby designate _____ as my alternate for
 the Curry County LPSCC during the 2015 calendar year.

 Signature Date Signed

 LPSCC Secretary Signature Date Signed

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Adopting New LPSCC) ORDER NO. 13447
Bylaws)

WHEREAS, pursuant to ORS 423.560 Curry County has in place a Local Public Safety Coordinating Council (LPSCC); and

WHEREAS, LPSCC has a set of bylaws that needs to be amended; and

WHEREAS, on January 18, 2011, LPSCC voted unanimously to amend the bylaws to include changes to the purpose statement, membership, officers and voting rights;

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS
HEREBY ORDERS AS FOLLOWS:

- 1) All former bylaws of the Curry County Public Safety Coordinating Council (LPSCC) are repealed.
- 2) The attached Curry County LPSCC Bylaws are hereby adopted.
- 3) This order shall become effective upon its passage.

DATED this 9th day of February, 2011.

BOARD OF CURRY COUNTY COMMISSIONERS


George Rhodes, Chair

~~— ABSENT —~~

David G. Itzen, Vice Chair


Bill Waddle, Commissioner

**CURRY COUNTY LOCAL PUBLIC SAFETY COORDINATING COUNCIL
(LPSCC)**

BYLAWS

I. PURPOSE

The Council shall develop and recommend to the County Board of Commissioners:

- (1) Plans for the use of state resources to serve the local youth offender population and the Coordination of local juvenile justice policy among affected juvenile justice entities.
- (2) Identify and recommend State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies.
- (3) In consultation with the local commission on children and families, develop and recommend to the county board of commissioners a plan designed to prevent criminal involvement by youth. The plan must provide for coordination of community-wide services involving treatment, education, employment and intervention strategies aimed at crime prevention.
- (4) Coordinate local criminal justice policy among affected criminal justice entities.
- (5) Create subcommittees as necessary or required to provide the County Board of Commissioners with information regarding public safety matters.
- (6) Prepare an annual summary of program, service or budget changes made in response to the recommendations of the local public safety coordinating council described in ORS 423.560 and 423.565. The summary shall be provided to the County Board of Commissioners for approval and sent to the Oregon Criminal Justice Commission.

II. MEMBERSHIP

The membership of the Council shall consist of the following:

- (1) A police chief selected by the police chiefs in the county;
- (2) The sheriff of the county;
- (3) The community corrections director;
- (4) The district attorney of the county;
- (5) A state court judge, appointed by the presiding judge of the judicial district in which the county is located;
- (6) A public defender or defense attorney, appointed by the presiding judge of the judicial district in which the county is located;

- (7) A county commissioner appointed by the county commissioners;
- (8) A juvenile department director appointed by the county commissioners;
- (9) A health department director appointed by the county commissioners;
- (10) A mental health director appointed by the county commissioners;
- (11) At least one lay citizen appointed by the county commissioners;
- (12) A city councilor or mayor selected by the cities in the county;
- (13) A city manager or other city representative selected by the cities in the county;
- (14) A representative of the Oregon State Police, who is a nonvoting member of the council, selected by the Superintendent of State Police;
- (15) A representative of the Oregon Youth Authority, who is a nonvoting member of the council, selected by the Director of the Oregon Youth Authority.

To ensure each municipality is represented at LPSCC, the following appointments and terms are scheduled through December 2018:

Appointment Term	Brookings	Gold Beach	Port Orford
1/2011-12/2013	City Manager or other City Representative	Police Chief	City Councilor/Mayor
1/2013-12/2015	City Councilor/Mayor	City Manager or other City Representative	Police Chief
1/2016-12/2018	Police Chief	City Councilor/Mayor	City Manager or other City Representative

III. OFFICERS

All officers of the Council shall also be members of the Council. The officers shall be a Chair, Vice-Chair, and Secretary. The Chair, Vice-Chair, and Secretary shall be elected by a majority of the voting members for a term of two years beginning the first of January of each even numbered year.

The Chair or Vice-Chair shall preside at meetings, form subcommittees and task forces, and appoint members to serve on these, and perform all other duties necessary or incidental to the office.

In the absence of the Chair or Vice-Chair, the Secretary shall act as Chair. If the office of Chair becomes vacant in midterm, the Vice-Chair shall assume the office of Chair for the remainder of the term. If the office of Vice-Chair or Secretary becomes vacant during the midterm, the voting members shall elect a successor to complete the unexpired term.

Officers may be recommended for removal by a 2/3 majority vote of the voting members.

IV. REMOVAL FROM OFFICE

Council members may be recommended for removal by a 2/3 majority vote of the voting members for cause, including non-attendance at scheduled meetings. The recommendation shall be forwarded to the appointing authority and the Council shall request that appointing authority appoint a replacement within 60 days.

V. MEETINGS

Meetings shall be held on a schedule established by the voting membership at the beginning of each calendar year. Special meetings may be called by the Chair or a majority of the voting members, or at the request of the County Board of Commissioners.

The Council is subject to and shall comply with the requirements of Oregon's Public Meeting Law. Roberts Rules of Order (revised) shall guide any point of parliamentary procedure not contained in the bylaws.

VI. QUORUM

A quorum for the transaction of official business shall consist of a majority of the voting members of the Council, with a minimum of seven (7), which may include designated alternates.

VII. VOTING RIGHTS

Each voting member, with the exception of lay members, shall designate their alternate at the first meeting at the beginning of each calendar year. The written designation must be submitted to the secretary for the record.

All Council members or in their absence their designated alternate in attendance at the meeting, shall have the right to vote with the exception of the Oregon State Police and Oregon Youth Authority representatives, as provided by law.

Each member or designated alternate present at a meeting for which a quorum of the membership is in attendance shall have the right to call for a vote on any official action or recommendation of the Council. All matters requiring a vote shall be decided by a majority of the voting members present and all votes shall be recorded in the minutes of the meeting.

No voting by proxy shall be allowed.

VIII. SUBCOMMITTEES

The Council or Chair may create subcommittees and task forces to perform such tasks as the Council or Chair may designate. Subcommittees and task forces may be formed of members and non-members.

IX. ADOPTION AND AMMENDMENT

The bylaws shall be adopted by a majority vote of the voting membership. Amendments to the bylaws may be adopted only by a majority vote of the voting membership. Written notices shall be given to the full membership of the Council at least five (5) days prior to a vote as to any amendment of the bylaws.



PUBLIC HEARING

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 a.
Council Hearing Date: January 11, 2016

TITLE: LIQUOR LICENSE REQUEST Ellensburg Theater Company-ETC

SUMMARY AND BACKGROUND:

Oregon Liquor Control Commission (OLCC) requires each jurisdiction to make a recommendation regarding requests for licenses to serve alcohol prior to issuance of a liquor license by OLCC. Initial license requests require Council review.

Ellensburg Theater Company (ETC) currently offers hors d'oeuvres and wine and beer on a per event basis. OLCC requires they pay for a single-use permit. They have made the determination it would be easier and more cost effective to simply apply for a Limited On-Premise annual license.

A local records search was conducted on the applicants and their proposed servers. According to the PD the investigation revealed no adverse information which would prohibit issuance of the license. At the time of this report, staff makes the recommendation that the Council recommend that the OLCC grant approval of the liquor license request.

DOCUMENTS ATTACHED:

- Request letter from ETC

REQUESTED MOTION/ACTION:

Recommendation to OLCC to GRANT/DENY the license request

Suggested Motion:

I make the motion that the Council recommend to OLCC that the Ellensburg Theater Company request for a Limited On-Premises Sales liquor license be GRANTED/DENIED.

Dear City of Gold Beach,

Ellensburg Theater Company is a 501(c)(3) tax exempt non-profit charity for the public benefit with members. Our federal [REDACTED] ETC incorporated in May, 1986.

We are located at:

The Rogue Playhouse
94196 Moore Street/P.O. Box 1324
Gold Beach, OR 97444
541-247-4382

Ellensburg Theater's mission statement is "To enhance, promote, develop and assist in the production of theater arts for such educational and charitable purposes as will foster the growth of theatrical talent and community service in Curry County."

To enhance the theater patron's experience, ETC likes to offer hors d'oeuvres, frequently catered, and a glass of wine or beer available for theater goer's enjoyment before they relax and enjoy the evening's entertainment. Several times a year we pay the \$50 to OLCC and \$35 to City of Gold Beach for a one-night temporary license. This same amount used to cover the entire weekend run, but now pays for only one day, making it financially challenging to offer this nicety to our patrons, since we go in the hole financially each night this way and need a better method to responsibly fund our theater charity organization. Thus we are applying for the annual license allowing ETC to serve wine or beer at each of our performances throughout the year.

With 4 or 5 productions a year of 3 weekends, 9 performances each, plus our Annual Membership Drive Gala, any radio shows, concerts, or other production companies making use of our venue, we have a potential of 60 or more nights a year requiring licenses. In our small population and limited theater seating, we cannot afford \$85 a night for one day OLCC licenses, and yet we have been doing just that several times each year for many years.

Some of our Board members already have their servers' licenses and the rest of us are looking forward to doing that. The annual license will help the ETC Board of Directors provide a year-round increased enjoyment of the theater experience for our patrons. Thank you.

Sincerely,
Susan Baczik,
Treasurer, ETC

December 8, 2015

RECEIVED

DEC 09 2015

CITY OF GOLD BEACH



CITIZEN REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7.
Council Hearing Date: July 9, 2012

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.

(23) 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.

A written request has been made by Macall Marstall to allow the consumption of alcohol during her wedding rehearsal dinner party at the park on July 8, 2016. A copy of her written request is attached.

DOCUMENTS ATTACHED:

- Request letter from Miss Marstall

REQUESTED MOTION/ACTION:

Approve/deny the request to consume alcohol in the park

Suggested Motion:

I make the motion that the Council approve/deny the request by Macall Marstall to allow consumption of alcohol in the park during a party on July 8, 2016.

City of Gold Beach
29529 Ellensburg Ave
Gold Beach, OR 97444

Dear City of Gold Beach,

In late November I called to reserve the pic-nic area of Buffington Memorial Park for the date of July, 8th 2016. The staff member on the phone very kindly reserved the area for me. When I asked about an alcohol policy I was instructed to write a letter to this address for approval. The event I would like to hold will be my wedding rehearsal dinner. My fiancé's family and my family will host a BBQ event for our family and friends. We anticipate BBQ-ing and serving other food as well and wine and beer. My family is residents of Gold Beach and have helped with numerous events at this very location and know how to operate all the equipment at the site. I look forward to holding my event there this summer.

If there are any further questions I can be contacted by phone at [REDACTED] or by email at [REDACTED]

Thank you,

Macall Marstall

[REDACTED]
Corvallis, OR
97330

DEC 22 2015

CITY OF GOLD BEACH



MISC. ITEMS

**INCLUDING POLICY DISCUSSIONS &
DETERMINATIONS**

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10 a.**
Council Hearing Date: January 11, 2016

TITLE: 2016 Current Committee/Commission Rosters

SUMMARY AND BACKGROUND:

Council Rule No. 44 requires that I provide the Council with a current list of committee/commission members annually. Generally this is provided at the January meeting.

Attached is the list of current committee/commission members. Because the packet is posted online I remove the addresses and phone numbers for privacy. In list in your Council Booklets in the cubbies under the dais counter has the addresses and phones numbers for your reference.

This year the following elected positions will expire: Mayor, Council Position #2 (Brennan), and Position #4 (Brand). I will provide those members with election filing data soon. Usually the filing deadline is about 2 months from the November election.

DOCUMENTS ATTACHED:

Public List of the Committee/Commission membership

REQUESTED MOTION/ACTION:

None needed, information only

THIS LIST AVAILABLE FOR DISTRIBUTION TO THE PUBLIC

2016 COUNCIL AND COMMITTEE MEMBERS AND TERMS OF OFFICE

CITY COUNCIL AND MAYOR (4 year terms per Charter)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
MAYOR	Karl Popoff	Elected November 6, 2012	December 15, 2016
Position #1	Melinda McVey	2 nd Term: Elected November 4, 2014 1 st Term: Appointed June 24, 2013	December 15, 2018
Position #2	Larry Brennan	2 nd Term: Elected November 6, 2012 1 st Term: Elected November 4, 2008	December 15, 2016
Position #3	Becky Campbell	1 st Term: Elected November 4, 2014	December 15, 2018
Position #4	Douglas Brand	2 nd Term: Elected November 6, 2012 1 st Term: Appointed February 17, 2010	December 15, 2016
Position #5	Tamie Kaufman	3 rd Term: Elected November 4, 2014 2 nd Term: Elected November 2, 2010 1 st Term: Appointed February 17, 2010 (previously served in the 1990s)	December 15, 2018

BUDGET COMMITTEE (3 year terms per ORS 294.336)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	Sandra Vieira	Appointed April 13, 2015	December 31, 2018
Position #2	Bob Derby	April 14, 2014	December 31, 2017
Position #3	Dave Sanders	April 14, 2014	December 31, 2017
Position #4	VACANT		December 31, 2018
Position #5	VACANT		December 31, 2018

PLANNING COMMISSION (4 year terms per Section 1.120(3) City Admin Code)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	Summer Matteson	Appointed May 11, 2015	December 31, 2017
Position #2	VACANT		December 31, 2019
Position #3	Thomas Schultz (Current Chairman)	Appointed April 14, 2014	December 31, 2017
Position #4	VACANT		December 31, 2019
Position #5	Robert Chibante NOTE: UGB member	Appointed March 10, 2014	December 31, 2017

URBAN RENEWAL CITIZEN ADVISORY COMMITTEE (Ordinance 645)

POSITION	NAME	COMMENCEMENT OF TERM	TERM EXPIRES
Position #1	Karen Richmond	Appointed March 11, 2013	December 31, 2017
Position #2	VACANT		December 31, 2019
Position #3	Beth Barker-Hildago	Appointed March 11, 2013	December 31, 2017
Position #4	VACANT		December 31, 2019

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. b.**
Council Hearing Date: January 11, 2016

TITLE: Continuation from October meeting: Annual Fee Review

Pursuant to City Strategic Plan Goal 1: Achieve Fiscal Sustainability (1(g) Annual Fee Review

SUMMARY AND BACKGROUND:

January 2016 report: In October, pursuant to Goal 1(g) of the City Goals, I provided the Council with a report on our current fee schedules with proposed changes. I proposed a \$10 increase for all traffic offenses. The Mayor asked Chief Andrews what his opinion was on the proposed increase and the Chief responded that a review of the fine schedule for other cities should be made. In 2012, when the current fine schedule was adopted, it was based on the City of Eugene's fee structure. I compared our current and proposed schedule against Eugene's. Ours is ahead of them by about \$20 per offense, and behind on a few by about \$5. A copy of the current City and Eugene fine schedules are attached.

REQUESTED MOTION/ACTION:

Make a determination on the proposed changes. Staff will prepare a resolution for the February meeting if any changes are proposed to be adopted.

FOR YOUR REFERENCE the OCTOBER REPORT:

Pursuant to the above referenced Strategic Plan goal we will review and update all fees annually. We formally adopted a new fee structure for all city departments in October of 2012. We reviewed them in 2013 but not in 2014. However, we do annually review and adjust utility rates for inflation each July. The other city fees such as business licenses, planning fees, muni court fines, etc. have not been adjusted in 3 years.

Attached is the CURRENT fee scheduled and staff proposed adjustments with notes within the spreadsheet for any proposed changes.

GENERAL INFO ON INFLATION

<http://www.usinflationcalculator.com/>

What is the Consumer Price Index (CPI)?

The Consumer Price Index, also referenced as CPI, is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

Is the CPI the best measure of inflation?

This perhaps, is best addressed by the Bureau of Labor Statistics (BLS) who creates the CPI. This is directly from their website:

Various indexes have been devised to measure different aspects of inflation. The CPI measures inflation as experienced by consumers in their day-to-day living expenses; the Producer Price Index (PPI) measures inflation at earlier stages of the production and marketing process; the Employment Cost Index (ECI) measures it in the labor market; the BLS International Price Program measures it for imports and exports; and the Gross Domestic Product Deflator (GDP Deflator) measures combine the experience with inflation of governments (Federal, State and local), businesses, and consumers. Finally, there are specialized measures, such as measures of interest rates and measures of consumers' and business executives' expectations of inflation.

The "best" measure of inflation for a given application depends on the intended use of the data. The CPI is generally the best measure for adjusting payments to consumers when the intent is to allow consumers to purchase, at today's prices, a market basket of goods and services equivalent to one that they could purchase in an earlier period. The CPI also is the best measure to use to translate retail sales and hourly or weekly earnings into real or inflation-free dollars.

What goods and services does the CPI include?

The BLS has created more than 200 categories for all goods and services they track. These 200 are placed within eight major groups:

Food and Beverages: meat, milk, beer, wine, snacks, etc.

Housing: rent of primary residence, owners' equivalent rent, fuel oil, bedroom furniture, etc.

Apparel: clothing like pants, shirts, sweaters, etc.

Transportation: vehicles, airline fares, gasoline, etc.

Medical Care: hospital services, drugs, medical supplies, glasses, etc.

Recreation: TV, pets, movies, etc.

Education and Communication: college costs, telephone services, computer software, postage, etc.

Other: smoking products, haircuts and other personal services

Inflation Rates Graph (2005-2015)

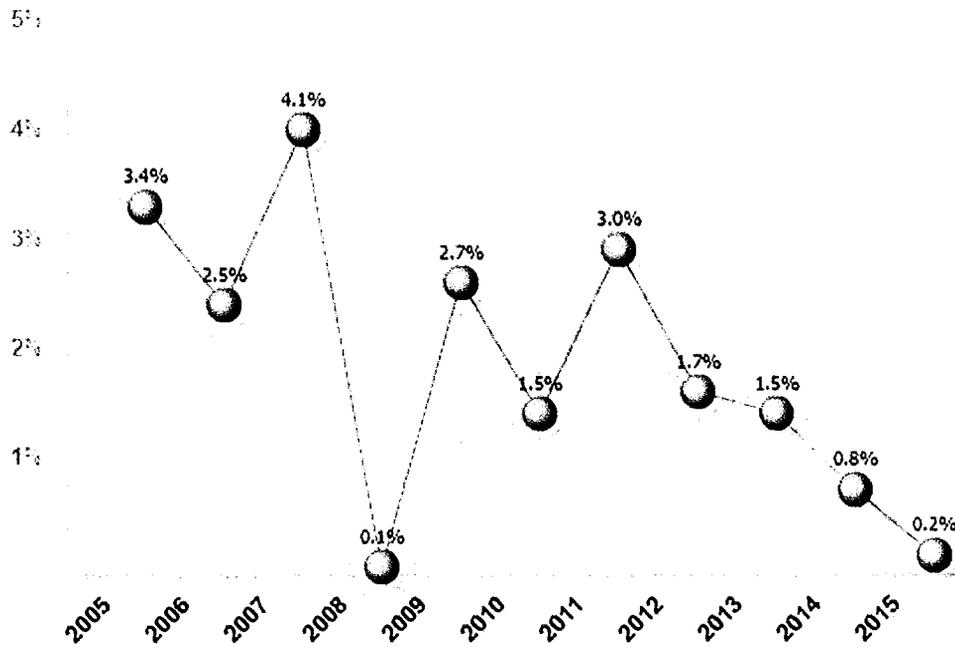


Table of Inflation Rates (%) by Month and Year (1999-2015)

Since figures below are 12-month periods, look to the December column to find inflation rates by calendar year. These also appear in the graph and chart above. For example, the rate of inflation in 2014 was 0.8%. The last column, "Ave," shows the average inflation rate for each year. They are published by the BLS but are rarely discussed in news media, taking a back seat to a calendar year's actual rate of inflation.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2015	-0.1	0.0	-0.1	-0.2	0.0	0.1	0.2	0.2					
2014	1.6	1.1	1.5	2.0	2.1	2.1	2.0	1.7	1.7	1.7	1.3	0.8	1.6
2013	1.6	2.0	1.5	1.1	1.4	1.8	2.0	1.5	1.2	1.0	1.2	1.5	1.5
2012	2.9	2.9	2.7	2.3	1.7	1.7	1.4	1.7	2.0	2.2	1.8	1.7	2.1
2011	1.6	2.1	2.7	3.2	3.6	3.6	3.6	3.8	3.9	3.5	3.4	3.0	3.2
.....

The average inflation between 2012-2014 is a total of: 5.20%

The annual inflation for that period is a total of: 4%

As a relative comparator for our area, the Social Security COLAs:

Automatic Cost-Of-Living Adjustments

July 1975 -- 8.0%	January 1996 -- 2.6%
July 1976 -- 6.4%	January 1997 -- 2.9%
July 1977 -- 5.9%	January 1998 -- 2.1%
July 1978 -- 6.5%	January 1999 -- 1.3%
July 1979 -- 9.9%	January 2000 -- 2.5% ⁽¹⁾
July 1980 -- 14.3%	January 2001 -- 3.5%
July 1981 -- 11.2%	January 2002 -- 2.6%
July 1982 -- 7.4%	January 2003 -- 1.4%
January 1984 -- 3.5%	January 2004 -- 2.1%
January 1985 -- 3.5%	January 2005 -- 2.7%
January 1986 -- 3.1%	January 2006 -- 4.1%
January 1987 -- 1.3%	January 2007 -- 3.3%
January 1988 -- 4.2%	January 2008 -- 2.3%
January 1989 -- 4.0%	January 2009 -- 5.8%
January 1990 -- 4.7%	January 2010 -- 0.0%
January 1991 -- 5.4%	January 2011 -- 0.0%
January 1992 -- 3.7%	January 2012 -- 3.6%
January 1993 -- 3.0%	January 2013 -- 1.7%
January 1994 -- 2.6%	January 2014 -- 1.5%
January 1995 -- 2.8%	January 2015 -- 1.7%

⁽¹⁾ The COLA for December 1999 was originally determined as 2.4 percent based on CPIs published by the Bureau of Labor Statistics. Pursuant to Public Law 106-554, however, this COLA is effectively now 2.5 percent.

We adopted the fee resolution in October 2012 so we shouldn't the January 2012 COLA for comparison purposes. For 2013-2015 the total COLA change: 4.9%

This compares to the CPI increases we see above. If we make any changes to the current fee structure I'd recommend we don't exceed any particular fee by more than 5% without specific justification.

ADMINISTRATION/BUSINESS FEES

LICENSES & PERMITS	CURRENT FEE	PROPOSED FEE	
SOCIAL GAMING LICENSE			
Social Gaming License: Initial	\$150	NO LONGER REGULATE	
Social Gaming License: Renewal	\$100	NO LONGER REGULATE	
SIGN PERMIT	MINIMUM \$50 UP TO 25 SQ FT \$0.75 PER SQ FT AFTER	MINIMUM \$50 UP TO 25 SQ FT \$0.75 PER SQ FT AFTER	
SIGN VARIANCE	\$150	\$150	
BUSINESS LICENSE: BASIC	\$85	\$88	3.50%
ALL BUSINESS LICENSES: ANY TYPE	\$85	\$88	3.50%
AMUSEMENT MACHINE	\$50 PER MACHINE	\$50 PER MACHINE	
VENDING MACHINE	\$10 PER MACHINE	\$10 PER MACHINE	
LIQUOR LICENSE: INITIAL	\$100	\$100	
LIQUOR LICENSE: CHANGE	\$75	\$75	
LIQUOR LICENSE: RENEWAL OR TEMP	\$35	\$35	
ADMINISTRATIVE FEES	ADOPTED FEE	ADOPTED FEE	
CANDIDACY FILING FEE	\$50	\$50	
COPY FEE	0.25 PER PAGE	0.25 PER PAGE	
RESEARCH FEE OVER 15 MINUTES	\$35 PER HR	\$35 PER HR	
FAX or scan	\$3	\$3	
FILING/RECORDING AT COUNTY CLERK	ACTUAL COST	ACTUAL COST	
NSF FEE	\$30	\$35	BANK INCREASE
COPY OF AUDIO RECORDING	\$15	\$15	
LIEN FILING AND SATISFACTION	ACTUAL FILING COST + \$20	ACTUAL FILING COST + \$20	
PUBLIC RECORDS REQUEST	Copies: \$0.25 PER PAGE	Copies: \$0.25 PER PAGE	
	Research Labor: \$35 per hour	Research Labor: \$35 per hour	
	Digital copy by disc: \$5 per disc	Digital copy by disc: \$5 per disc	
	Certification of copy: \$5	Certification of copy: \$5	
	Delivery: actual USPS, UPS, or FEDEX costs	Delivery: actual USPS, UPS, or FEDEX costs	
	Non-standard copy/equipment costs: actual cost	Non-standard copy/equipment costs: actual cost	
COPIES OF REPORTS	Public Records Request Fees	Public Records Request Fees	
LIEN SEARCH	Public Records Request	Public Records Request	
LIST OF BUSINESS LICENSE HOLDERS	Public Records Request subject to RED FLAG regulations	Public Records Request subject to RED FLAG regulations	

UTILITY RELATED FEES (BUT NOT MONTHLY USER FEES)

UTILITY RELATED FEES	CURRENT FEE	PROPOSED FEE
*Monthly water/sewer utility rates set by separate resolution		
RESIDENTIAL SERVICE DEPOSITS		
Deposit for accounts with both water and sewer service	\$200	\$200
Deposit for water service only accounts	\$100	\$100
Deposit for sewer service only accounts	\$150	\$150
COMMERCIAL SERVICE DEPOSIT	TOTAL OF 2 HIGHEST UTILITY BILLS OR \$200 WHICHEVER IS GREATER	TOTAL OF 2 HIGHEST UTILITY BILLS OR \$200 WHICHEVER IS GREATER
METER ACCURACY TEST AT CUSTOMERS REQUEST	ACTUAL COST OF TEST + 1 HR LABOR (see PW fees)	ACTUAL COST OF TEST + 1 HR LABOR (see PW fees)
TEMPORARY CONNECT/DISCONNECT AT CUSTOMERS REQUEST	2 per year no cost, additional \$30 each visit	2 per year no cost, additional \$30 each visit
WEEKEND/HOLIDAY/AFTER HOURS TEMPORARY CONNECT/DISCONNECT AT CUSTOMERS REQUEST	Billed at PW Labor Charge	Billed at PW Labor Charge
CHECK WATER METER AT CUSTOMERS REQUEST	2 per year no cost, additional \$20 each visit	2 per year no cost, additional \$20 each visit
MOVING/ALTERING METER AT CUSTOMERS REQUEST	ACTUAL MATERIAL COSTS+ PW EQUIPMENT AND LABOR COSTS	ACTUAL MATERIAL COSTS+ PW EQUIPMENT AND LABOR COSTS
DAMAGE TO WATER SERVICE	Actual cost of repair and PW Labor	Actual cost of repair and PW Labor
DELIQUENT UTILITY BILL FEE	10%	10%
DISCONNECT/CONNECT DUE TO DELINQUENCY	\$30	\$30
DISCONNECT/CONNECT DUE TO DELINQUENCY AFTER HOURS/HOLIDAYS/WEEKEND	Billed at PW Labor Charge	Billed at PW Labor Charge
SHUT OFF FLAG NOTICE FOR DELINQUENCY	\$25	\$25
TURNING WATER OFF/ON WITHOUT AUTHORITY	\$75	\$75
WATER HYDRANT STAND-BY FEE	discontinue	REMOVE FROM SCHEDULE

PUBLIC WORKS CREW RELATED FEES

PUBLIC WORKS RELATED FEES	NO PROPOSED CHANGES	
	CURRENT FEE	PROPOSED FEE
ISSUE NEW ADDRESS W/PLATE	\$75	\$75
REPLACEMENT ADDRESS PLATE	\$25	\$25
PW LABOR	CURRENT WAGE + BENEFITS + 15%	CURRENT WAGE + BENEFITS + 15%
TV SEWER LINES	\$100 PER HR + LABOR FOR 2	\$100 PER HR + LABOR FOR 2
PICKUP W/OPERATOR	\$50 PER HR + LABOR	\$50 PER HR + LABOR
BACKHOE W/OPERATOR	\$200 PER HR + LABOR	\$200 PER HR + LABOR
SEWER SLUDGE TRUCK W/OPERATOR	\$200 PER HR + LABOR	\$200 PER HR + LABOR
BRUSH CUTTER W/OPERATOR	\$175 PER HR + LABOR	\$175 PER HR + LABOR
TAPPING MACHINE W/OPERATOR	\$450 PER HR + LABOR	\$450 PER HR + LABOR
SEWER CLEANER W/OPERATOR	\$250 PER HR + LABOR	\$250 PER HR + LABOR
DUMP TRUCK W/OPERATOR	\$175 PER HR + LABOR	\$175 PER HR + LABOR
STREET SWEEPER W/OPERATOR	\$250 PER HR + LABOR	\$250 PER HR + LABOR
COMPACTOR W/OPERATOR	\$50 PER HR + LABOR	\$50 PER HR + LABOR
BRUSH CHIPPER W/OPERATOR	\$175 PER HR + LABOR	\$175 PER HR + LABOR
LABOR CHARGES	CURRENT WAGE + BENEFITS + 15%	CURRENT WAGE + BENEFITS + 15%
ALL SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, LABOR SUBJECT TO OVERHEAD		
Any supplies, materials, equipment rental, etc. purchased by City to complete proposed work	Actual Cost	Actual Cost
SDC FEES		
WATER: 3/4 METER	\$2800 + ANY EXTRA LABOR AND MATERIALS	\$2800 + ANY EXTRA LABOR AND MATERIALS
SEWER: 1 ERU	\$4400 + ANY EXTRA LABOR AND MATERIALS	\$4400 + ANY EXTRA LABOR AND MATERIALS
STREETS	\$1232 TO BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION	\$1232 TO BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION

PUBLIC SAFETY (POLICE, FIRE, MUNI ADMIN) FEES

PUBLIC SAFETY	CURRENT FEE	PROPOSED FEE
NUISANCE ABATEMENT	ACTUAL COST + \$75 ADMIN FEE	WE SHOULD DISCUSS THIS MAJOR PAIN
EXCESSIVE FALSE ALARMS		REMOVE FROM CHART
Errors by employees or other person	3 per calendar year then \$125 per each call out	3 per calendar year then \$125 per each call out
Mechanical errors	3 per calendar year then \$125 per each call out	3 per calendar year then \$125 per each call out
Towing Fee	Actual cost of towing plus \$25 admin fee	Actual cost of towing plus \$25 admin fee
FIRE CHARGES OUTSIDE OF DISTRICT		
FIRST PUMPER	\$400 per hour	\$400 per hour
SECOND PUMPER	\$350 per hour	\$350 per hour
MANPOWER	\$50 per hr per person	\$50 per hr per person
MATERIALS (FOAM ETC)	ACTUAL COST	ACTUAL COST
NOTES: MINIMUM 1 HR BILLED THEN 1/2 INCREMENTS. TIME ENDS WHEN ENGINE AND CREW RETURN TO STATION. CHARGES APPLY TO IN DISTRICT TO CONTROLLED BURNS THAT GET OUT OF CONTROL WITH OR WITHOUT A BURN PERMIT		
JAWS OF LIFE	No Charge	No Charge
MUNI COURT ADMINISTRATIVE		
Fee for sending to collections agency	25% of outstanding amount per ORS 137.118	25% of outstanding amount per ORS 137.118
Administrative fee for payment plan	\$25	\$25
License suspension fee required by ORS 809.267	\$15	\$15
Performance of marriage ceremony by Judge		\$50

Judge Fallman asked last month if I could propose to the Council a fee for marriage ceremonies. He has been asked a few times to perform ceremonies but did not feel comfortable without fee sanction by the Council. Municipal Judges in Oregon have statutory authority to officiate marriage ceremonies.

**VISITOR CENTER FEES
PLANNING DEPARTMENT FEES**

VISITOR CENTER	ADOPTED FEE	ADOPTED FEE
Packet Program	\$0.18 per request	\$0.25 per request
Videos	\$5	\$5
COFFEE MUGS		\$5
PLANNING FEES	ADOPTED FEE	ADOPTED FEE
Planning Commission Decision	\$600	\$600
Conditional Use Permit	\$600	\$600
Floodplain Development Permit	\$600	\$600
Variance	\$600	\$600
Administrative Decision by Planning Director	\$425	\$425
AD/CUP Permit Renewal	\$200	\$200
Subdivision	\$1,550	\$1,550
Partition	\$1,000	\$1,000
Lot Line Adjustment	\$500	\$500
Other Land Use Decisions		
Building/Zoning Permit Review (PC)	\$100	\$100
Zone Change	\$1,800	\$1,800
Appeal of Planning Commission or Director Decision	Cost of original application	Cost of original application

MUNICIPAL COURT TRAFFIC FINE SCHEDULE

Attached is the CURRENT fine schedule I would respectfully propose ALL fines be raised by a minimum \$10. The most common ticket (for speeding) is a total of \$220. A 5% increase would be \$11.

In my opinion, the traffic fine schedule is not the same as other City fee schedules. City staff does not provide a customer service that should be based on the nationwide cost-of-living. The fine schedule is for VIOLATIONS of City/state traffic regulations and a totally preventable fee to the person being issued the ticket. The municipal court fines are not for revenue generating purposes but to DETER CRIME. They should cost more than services provided.

**EXHIBIT A
CITY OF GOLD BEACH MUNICIPAL COURT
TRAFFIC OFFENSES
PRESUMPTIVE FINE SCHEDULE**

OFFENSE	PRESUMPTIVE FINE	MAXIMUM FINE	ORS	NOTES
VIOLATIONS				
Class A	495	2,000		
Class B	320	1,000		
Class C	220	500		
Class D	170	250		
If an accident is involved add \$50 to the presumptive fines below:				
SPEEDING				
Speed Racing	495	2,000	811.125	
Violation Basic Rule (VBR) Over Limit:				
1 to 10 miles	170	250	811.100	
11 to 20 miles	220	500	811.100	
21 to 30 miles	320	1,000	811.100	
over 30miles	495	2,000	811.100	
Unsafe speed when going slower than posted speed	320	1,000	811.100	
Violating Designated Speed Limit:				
1 to 10 miles	170	250	811.111	*
11 to 20 miles	220	500	811.111	*
21 to 30 miles	320	1,000	811.111	*
If the speed limit is 65 mph or greater:				
Exceeding the limit by 10 mph or less	220	500	811.111	*
Exceeding the limit by more than 10 but not more than 20	320	1,000	811.111	*
* ADD \$42 SURCHARGE IF DEFENDANT IS DRIVING VEHICLE THAT REQUIRES CDL				
SERIOUS TRAFFIC OFFENSES				
Violations of Ignition Interlock Devices	495	2,000	813.608	
Careless Driving	320	1,000	811.135	
Driving While Suspended (DWS)	495	2,000	811.175	Vio
ACCIDENTS/REPORTS				
Fir to Perf Driv Dut/Domes Animal	320	1,000	811.710	
Fir to Perf Witness Duties	320	1,000	811.715	
Fir Driver to Report Accident	320	1,000	811.725	
Fir Occupant to Report Accident	320	1,000	811.735	
Fir Owner to Report Accident	320	1,000	811.730	
Failure to Remove a Motor Vehicle from the Highway	220	500	811.717	
PEDESTRIAN VIOLATIONS				
Fir Obey Trf Control Dev	170	250	814.020	
Fir Use Tunnel/Overhd	170	250	814.060	
Fir/Improper Use Sidewalk/Shoulder	170	250	814.070	
Fir Yld Emergency Vehicle	170	250	814.050	
Fir Yld Vehicle	170	250	814.040	
Sudden Leaving Curb	170	250	814.040	
Unlawful Hitchhiking	170	250	814.080	
Fir Obey Railroad Signal	170	250	814.030	

EXHIBIT A
CITY OF GOLD BEACH MUNICIPAL COURT
TRAFFIC OFFENSES
PRESUMPTIVE FINE SCHEDULE

BICYCLE VIOLATIONS			
Applicability of MV Code to Bicycle	Same as Veh		814.400
Unsafe Riding Sdwk	170	250	814.410
Fir Sig Stop/Turn	170	250	814.440
Clinging to Veh	170	250	814.480
Fir To Wear Bicycle Helmet	25	25	814.485
Fir Use Bicycle Seat	170	250	814.470
Fir Use Bicycle Lane/Path	170	250	814.420
Improp Use of Lane by Bicycle	170	250	814.430
Unlawful Load on Bicycle	170	250	814.450
Unlawful Passenger on Bicycle	170	250	814.460
Viol Bicycle Equip Requirements	170	250	815.280
MOPEDS, MOTORCYCLES, MOTOR ASSISTED SCOOTERS (MAS) AND ASSISTED MOBILITY DEVICE			
Illegal Alteration of Moped	220	500	814.310
Moped Clinging to Vehicle	170	250	814.230
MTC/Moped More than 2 Abreast	320	1,000	814.250
Unlawful Moped or MTC Operation	320	1,000	814.200
Unlawful Moped or MTC Passing	320	1,000	814.240
Operating Moped on Bike Lane	170	250	814.210
Oper Moped on Sidewalk/Bike Trail	170	250	814.210
Oper Moped w/o Lights	320	1,000	814.320
Carrying Passenger on Moped	170	250	814.330
Unlawful Moped Passenger	170	250	814.340
Fir MTC Operator to Wear Helmet	170	250	814.269
Fir MTC Passenger to Wear Helmet	170	250	814.275
Clinging to MV by MTC-Unless Disabled	320	1,000	814.220
No Helmet/Moped Rider	170	250	814.260
Operate MTC w/o Lights	320	1,000	814.320
Unlawfully Carrying Passenger on MTC	320	1,000	814.325
Endangering MTC Passenger	170	250	814.280
Unlawful Operation of MAS	170	250	814.512
Failure to use Bike Lane-MAS	170	250	814.514
Improper Operation on Highway-MAS	170	250	814.518
Improper Operation in Lane-MAS	170	250	814.520
Failure to Signal-MAS	170	250	814.522
Unsafe Operation on Sidewalk-MAS	170	250	814.524
Unsafe Oper on bike path or lane-MAS	170	250	814.526
Operation of MAS in crosswalk	170	250	814.528
Carrying a Passenger on a MAS	170	250	814.530
Operating MAS with an unlawful load	170	250	814.532
Fir of MAS Operator to Wear Helmet	25	25	814.534
Endangering a MAS operator	25	25	814.536
Vio of MAS equipment requirements	170	250	815.283
Vio of Electric personal assistive mobility device equipment requirements	170	250	815.284
Unsafe oper of electric assist mobility device	170	250	814.552
Dangerous movement of stopped, standing, parked vehicle	320	1,000	811.565

EXHIBIT A
CITY OF GOLD BEACH MUNICIPAL COURT
TRAFFIC OFFENSES
PRESUMPTIVE FINE SCHEDULE

SIGNAL AND TRAFFIC CONTROL				
Pass Stopped Veh at X-Walk	320	1,000	811.020	
Flr Obey Police Officer	320	1,000	811.535	
Flr Obey Stop Sign	320	1,000	811.265	
Flr Obey Traf Cont Device	320	1,000	811.265	
Flr Obey Traf Signal	320	1,000	811.265	
Flr to Signal (Electric)	170	250	811.405	
Flr to Signal (Ln Chng)	170	250	811.375	
Flr to Signal (Stop) With Lts	170	250	811.405	
Flr to Signal (Turn) With Lts	170	250	811.405	
Imp Left Turn	320	1,000	811.340	
Imp Right Turn	320	1,000	811.355	
Flr Use Appropriate Signal	320	1,000	811.400	
Unlawful MC Passing	320	1,000	814.240	
Unsafe Pass (On Left)	320	1,000	811.410	
Unsafe Pass (On Right)	320	1,000	811.415	
Unsafe Pass (No Passing Zone)	320	1,000	811.420	
Unsafe Passing of Person on Bicycle	320	1,000	811.065	
Flr Use Special Left Turn Lane	320	1,000	811.345	
Inter w/Trf Cont Dev	495	2,000	810.240	
Impr Turn at Stop Lt (When Red)	320	1,000	811.360	
Unlawful or Unsignaled Turn	170	250	811.335	
Imp U-Turn	320	1,000	811.365	
Flr Obey One-Way Designation	320	1,000	811.270	
Crossing Cntr Line of 2-Way/4 Lane	320	1,000	811.310	
Depriving MC/Moped of Full Lane	320	1,000	811.385	
Drvg Wrong Way Around Rotary Island	320	1,000	811.330	
Flr of Slow Drvr to Dry in Rt Lane	320	1,000	811.315	
Flr to Drive in Single Lane	320	1,000	811.370	
Flr to Drive on Right	320	1,000	811.295	
Flr to Drive on Rt of Approach Veh	320	1,000	811.300	
Flr to Drive on Rt Side of Div Hwy	320	1,000	811.320	
Flr to Keep Camper, Trailer, Truck in Rt Lane	320	1,000	811.325	
Unlawful Change of Lane (Unsafe)	170	250	811.375	
Unsignaled Change of Lane	170	250	811.375	
Flr to maintain safe distance from emerg veh	320	1,000	811.147	
FAILURE TO YIELD RIGHT-OF-WAY				
Flr to Yld Bicycle on Sidewalk	320	1,000	811.055	
Flr to Stop for Pedestrian who is Blind	320	1,000	811.035	
Flr to Stop for Pedestrian on Sidewalk	320	1,000	811.025	
Flr to Yld Bicycle in Bike Lane	320	1,000	811.050	
Flr to Yld at Contld Intrs	320	1,000	811.265	
Flr to Yld at Drvwy/Alley/Priv Rd	320	1,000	811.280	
Flr to Yld Emergency Vehicle	320	1,000	811.145	
Flr to Yld Left Tum	320	1,000	811.350	
Flr to Yld at Merging Lane	320	1,000	811.285	
Flr to Yld Ped (Crswlk w/o Cntrl Dv)	320	1,000	811.028	
Flr to Yld Ped (Crswlk, Tum on Red)	320	1,000	811.360	
Flr to Yld Ped (Crswlk w/ Tr Sig)	320	1,000	811.028	
Flr to Yld Uncontrl'd Hwy Intrs	320	1,000	811.275	
Flr to Yld to Traffic Control Member	495	2,000	811.017	
OPERATORS LICENSE VIOLATIONS				
No MTC Endorsement	320	1,000	807.010	
Veh Oper w/o Driving Priv (Exp DL)	320	1,000	807.010	
Veh Oper w/o Driving Priv (No DL)	320	1,000	807.010	
License Restrictions	320	1,000	807.010	
Flr Carry/Dsp/Present/Deliver DL	220	1,250	807.570	
Flr Chg Name/Add DL w/in 30 Days	170	250	807.560	
Flr to Suaender Out-of-State DL	170	250	807.420	
Flr to Suaender Out-of-State DL	170	250	807.540	
Holding Multiple DL's	320	1,000	807.550	
Veh Oper with Cancelled Lic	320	1,000	807.010	

**EXHIBIT A
CITY OF GOLD BEACH MUNICIPAL COURT
TRAFFIC OFFENSES
PRESUMPTIVE FINE SCHEDULE**

VEHICLE LICENSE VIOLATIONS			
Exp Veh Lic/Reg (Fee Must be Paid)	170	250	803.315
Fir Chg Name/Addr w/in 30 Days	170	250	803.220
Fir Sign/Carry/Dsply Reg	170	250	803.505
Fir Trnsfr Title w/in 30 Days	170	250	803.105
Impr Disp Lic Pit Sticker	170	250	803.560
Impr Disp Veh Plates	170	250	803.540
Improper Display Dealer Plates	170	250	822.045 (h)
Improper Use of Dealer Plates	320	1,000	822.045 (g)
Switched Lic Plates	170	250	803.540
Switched Lic Plate Sticker	320	1,000	803.550
Fir to Reg Veh	170	250	803.300
Fir to Renew Veh Reg	170	250	803.455
Illegal Alteration/Dsply Plates	320	1,000	803.550
Exp Out-of-State Plates	220	500	803.545
Fir to Dsply Plates	170	250	803.540
Fir to Dsply Out-of-State Plates	220	500	803.545
Fir to Surr Out-of-State Reg/Plates	170	250	803.380
Improper Display of a Permit	170	250	803.655
LIGHT VIOLATIONS			
Fir Mark End of Load (Over 4') w/Light or Flag	220	500	815.275
Opr w/Nonstandard Ltg Equip (Type, Visibility, Color, Placement)	220	500	816.300
Opr w/o Required Ltg Equip	220	500	816.330
Def Headlights	220	500	816.330
Def Taillights	220	500	816.330
Def Reg. Plate Light (Visible 50')	220	500	816.330
Def Brake Lights	220	500	816.330
Def Turn Signals	220	500	816.330
Def Hi-Beam Indicator	220	500	816.330
Def Reflectors	220	500	816.330
Aux Lights Over 54" on	220	500	816.330
Back-Up Lights on When Going Forward	320	1,000	811.520
Driving w/o Lights	320	1,000	811.520
Fir to Dim HL (500' Oncom: 350' Rear)	320	1,000	811.520
Fir to Use Park Lights	170	250	811.520
More than 4 Lights When Hdlt Req.	320	1,000	811.520
Using Park Lights When Hdlt Required	320	1,000	811.520
Use of Prohibited Lighting Equip	220	500	816.360
REQUIRED EQUIPMENT			
Brakes (Inclgd Emrgncy Brks)	220	500	815.130
Fenders/ Mudflaps	220	500	815.185
Horn (Audible 200 Ft)	220	500	815.230
Op/Allow Op Ilgl Equip/Unsafe Veh	220	500	815.100
Rear View Mirror (Unobstructed 200 Ft)	220	500	815.235
Forward Crossover Mirror/Failure to Inspect	220	500	815.237
Turn Signals (Exc Pre '73 MC & Mopds)	220	500	816.320
Windshield Wiper	220	500	815.215
Exhaust System	220	500	815.250
Illegal Window Tinting	320	1,000	815.222

EXHIBIT A
CITY OF GOLD BEACH MUNICIPAL COURT
TRAFFIC OFFENSES
PRESUMPTIVE FINE SCHEDULE

EXCESSIVE NOISE VIOLATIONS			
Engine Braking	495	2,000	811.492
Excess Noise (Tires, Engine, Exhaust)	170	250	815.025
Improper Use of Horn	220	500	815.225
Unreasonable Sound Amplification from a vehicle	170	250	815.232
MISCELLANEOUS VIOLATIONS			
Operating a Motor Vehicle while using a Mobile Communications Device	170	250	811.507
Certificate	1,201	6,250	822.100
Blocking Cross Traffic	170	250	811.290
Carry Dog External Veh	170	250	811.200
Carry Child External Veh	320	1,000	811.205
Damage/Remove Sign	495	2,000	810.240
Drag Object on Road	170	250	818.320
Drv on Bicycle Ln/Path	320	1,000	811.435
Oper w/obstructing Passenger	170	250	811.190
Driving Uninsured	320	1,000	806.010
Fir to Carry Proof of Compliance w/Financial Responsibility Reg	320	1,000	806.012
Fir to Stop for School Bus	495	2,000	811.155
Unsafe School Vehicle Operation	320	1,000	820.180
Follow Fire Truck (500 Ft)	320	1,000	811.150
Follow too Close	320	1,000	811.485
Operating Unsafe Veh	320	1,000	815.020
Impeding Traffic	170	250	811.130
Op Low Speed Veh on Highway	320	1,000	811.512
Littering (Op/Pass)	220	1,250	164.805
Obstruction on Windows	170	250	815.220
Open Vehicle Door	170	250	811.490
Overtaking Stopped Vehicle	320	1,000	811.020
Prmt Unlwfvl Oper Veh	320	1,000	811.255
Sifting, Leaking Load	320	1,000	818.300
Studded Tires (Illgl-May 1 to Oct 31)	220	500	815.160
Drvg on Hwy Divider	320	1,000	811.430
Endangering Child Passenger	170	250	811.210(1)(b) (c)
Fir to Wear Seat Belt	170	250	811.210(1)(a) (d)
Fir to Maintain Safety Belts	220	500	811.225
Fir to Stop Emerging from Alley, Driveway, Bldg	320	1,000	811.505
Illegal Backing	170	250	811.480
Interference with Emergency Veh	320	1,000	811.150
Passenger Obstruction of Driver	220	500	814.130
Unlawful Use of Television	320	1,000	815.240
Viol Max Size Limits	170	250	818.090
Viol Towing Safety Reg	320	1,000	818.160
Viol Min Road Clearance	320	1,000	815.245
Viol Truck Route (Authority 810.040)	320	1,000	811.450
Viol Maximum Weight Limits when Vehicle	495	2,000	
Visible Emissions	170	250	815.200

EUGENE MUNICIPAL COURT

PRESUMPTIVE FINE SCHEDULE

Effective February 18, 2015

Adopted by Court Order 15-01

TRAFFIC OFFENSES

Offense	Authority	Maximum Fine	Presumptive Fine
Serious Traffic Offenses:			
Violations of Ignition Interlock Devices	ORS 813.608	\$2,000	\$500
Careless Driving	ORS 811.135	\$1,000	\$300
Driving While Suspended (DWS)	ORS 811.175	\$2,000	\$500 Vio
Driving While Suspended (DWS)	ORS 811.182	\$6,250	\$590 Crime
Driving Under Influence Intox. (DUII)	ORS 813.010	\$6,250	\$590 Crime
Eluding	ORS 811.540	\$6,250	\$590 Crime
Flr Leav Nm/Add Scn Acc	ORS 811.700	\$6,250	\$590 Crime
Reckless Driving	ORS 811.140	\$6,250	\$590 Crime
Reckless Endangerment of Highway Workers	ORS 811.231	\$6,250	\$590 Crime
Refusal to Take a Test for Intoxicant	ORS 813.095	\$2,000	\$500 Vio
Vehicular Assault of Bicyclist or Ped	ORS 811.060	\$6,250	\$590 Crime
IF AN ACCIDENT IS INVOLVED, ADD \$50 TO THE PRESUMPTIVE FINE AMOUNTS BELOW. IF VIOLATION OCCURRED IN A HIGHWAY WORK ZONE, SCHOOL ZONE, OR SAFETY CORRIDOR, ADD \$75 TO THE PRESUMPTIVE FINE AMOUNTS BELOW.			
All Other Violations Not Provided For:			
Class A		\$2,000	\$500
Class B		\$1,000	\$300
Class C		\$500	\$200
Class D		\$250	\$150
Speeding:			
Speed Racing	ORS 811.125	\$2,000	\$500
Violation Basic Rule (VBR) Over Limit:			
1 to 10 miles	ORS 811.100	\$250	\$150
11 to 20 miles	ORS 811.100	\$500	\$200
21 to 30 miles	ORS 811.100	\$1,000	\$300
Over 30 miles	ORS 811.100	\$2,000	\$500
Unsafe speed when going slower than posted speed	ORS 811.100	\$1,000	\$300
Violating Designated Speed Limit:			
1 to 10 miles	ORS 811.111	\$250	\$150*
11 to 20 miles	ORS 811.111	\$500	\$200*
21 to 30 miles	ORS 811.111	\$1,000	\$300*
Over 30miles	ORS 811.111	\$2,000	\$500*
If the speed limit is 65 mph or greater:			
Exceeding the limit by 10 mph or less	ORS 811.111	\$500	\$200*
Exceeding the limit by more than 10 but not more than 20	ORS 811.111	\$1,000	\$300*
Exceeding the limit by more than 20 mph	ORS 811.111	\$2,000	\$500*
* ADD \$42 SURCHARGE IF DEFENDANT IS DRIVING VEHICLE THAT REQUIRES COMMERCIAL DL			
Alcohol Violations:			
Open Container (Drink)	ORS 811.170	\$1,000	\$300

TRAFFIC OFFENSES

Offense	Authority	Maximum Fine	Presumptive Fine
Open Container (Keep)	ORS 811.170	\$1,000	\$300
Open Container (Poss)	ORS 811.170	\$1,000	\$300
Accidents / Reports:			
Flr to Perf Driv Dut/Domes Animal	ORS 811.710	\$1,000	\$300
Flr to Perf Witness Duties	ORS 811.715	\$1,000	\$300
Flr Driver to Report Accident	ORS 811.725	\$1,000	\$300
Flr Occupant to Report Accident	ORS 811.735	\$1,000	\$300
Flr Owner to Report Accident	ORS 811.730	\$1,000	\$300
False Accident Report (crime)	ORS 811.740	\$2,500	\$538 Misd
Failure to Remove a Motor Vehicle from the Highway	ORS 811.717	\$500	\$200
Pedestrian Violations:			
Flr Obey Trf Control Dev	ORS 814.020	\$250	\$150
Flr Use Tunnel/Overhd	ORS 814.060	\$250	\$150
Flr/Improper Use Sidewalk/Shoulder	ORS 814.070	\$250	\$150
Flr Yld Emergency Vehicle	ORS 814.050	\$250	\$150
Flr Yld Vehicle	ORS 814.040	\$250	\$150
Sudden Leaving Curb	ORS 814.040	\$250	\$150
Unlawful Hitchhiking	ORS 814.080	\$250	\$150
Flr Obey Rairoad Signal	ORS 814.030	\$250	\$150
Bicycle Violations:			
Applicability of MV Code to Bicycle	ORS 814.400		Same as Veh
Unsafe Riding Sdwlk	ORS 814.410	\$250	\$150
Flr Sig Stop/Turn	ORS 814.440	\$250	\$150
Clinging to Veh	ORS 814.480	\$250	\$150
Flr To Wear Bicycle Helmet	ORS 814.485	\$25	\$25
Flr Use Bicycle Seat	ORS 814.470	\$250	\$150
Flr Use Bicycle Lane/Path	ORS 814.420	\$250	\$150
Improp Use of Lane by Bicycle	ORS 814.430	\$250	\$150
Unlawful Load on Bicycle	ORS 814.450	\$250	\$150
Unlawful Passenger on Bicycle	ORS 814.460	\$250	\$150
Viol Bicycle Equip Requirements	ORS 815.280	\$250	\$150
Mopeds, Motorcycles, Motor Assisted Scooters (Mas) and Assisted Mobility Device:			
Illegal Alteration of Moped	ORS 814.310	\$500	\$200
Moped Clinging to Vehicle	ORS 814.230	\$250	\$150
MTC/Moped More than 2 Abreast	ORS 814.250	\$1,000	\$300
Unlawful Moped or MTC Operation	ORS 814.200	\$1,000	\$300
Unlawful Moped or MTC Passing	ORS 814.240	\$1,000	\$300
Operating Moped on Bike Lane	ORS 814.210	\$250	\$150
Oper Moped on Sidewalk/Bike Trail	ORS 814.210	\$250	\$150

TRAFFIC OFFENSES

Offense	Authority	Maximum Fine	Presumptive Fine
Oper Moped w/o Lights	ORS 814.320	\$1,000	\$300
Carrying Passenger on Moped	ORS 814.330	\$250	\$150
Unlawful Moped Passenger	ORS 814.340	\$250	\$150
Flr MTC Operator to Wear Helmet	ORS 814.269	\$250	\$150
Flr MTC Passenger to Wear Helmet	ORS 814.275	\$250	\$150
Clinging to MV by MTC—Unless Disabled	ORS 814.220	\$1,000	\$300
No Helmet/Moped Rider	ORS 814.260	\$250	\$150
Operate MTC w/o Lights	ORS 814.320	\$1,000	\$300
Unlawfully Carrying Passenger on MTC	ORS 814.325	\$1,000	\$300
Endangering MTC Passenger	ORS 814.280	\$250	\$150
Unlawful Operation of MAS	ORS 814.512	\$250	\$150
Failure to use Bike Lane - MAS	ORS 814.514	\$250	\$150
Improper Operation on Highway - MAS	ORS 814.518	\$250	\$150
Improper Operation in Lane - MAS	ORS 814.520	\$250	\$150
Failure to Signal - MAS	ORS 814.522	\$250	\$150
Unsafe Operation on Sidewalk - MAS	ORS 814.524	\$250	\$150
Unsafe Oper on bike path or lane - MAS	ORS 814.526	\$250	\$150
Operation of MAS in crosswalk	ORS 814.528	\$250	\$150
Carrying a Passenger on a MAS	ORS 814.530	\$250	\$150
Operating MAS with an unlawful load	ORS 814.532	\$250	\$150
Flr of MAS Operator to Wear Helmet	ORS 814.534	\$25	\$25
Endangering a MAS operator	ORS 814.536	\$25	\$25
Vio of MAS equipment requirements	ORS 815.283	\$250	\$150
Vio of Electric personal assistive mobility device equipment requirements	ORS 815.284	\$250	\$150
Unsafe oper of electric assist mobility device	ORS 814.552	\$250	\$150
Dangerous movement of stopped, standing, parked vehicle	ORS 811.565	\$1,000	\$300
Driving on Left:			
Approaching View Obstructed Intersec	ORS 811.305	\$1,000	\$300
Approaching View Obstructed RR Xing	ORS 811.305	\$1,000	\$300
Intersection	ORS 811.305	\$1,000	\$300
Obstructed Curve	ORS 811.305	\$1,000	\$300
Railroad Grade Xing	ORS 811.305	\$1,000	\$300
Signal and Traffic Control Violations Passing and Lane Usage:			
Pass Stopped Veh at X-Walk	ORS 811.020	\$1,000	\$300
Flr Obey Police Officer	ORS 811.535	\$1,000	\$300
Flr Obey Stop Sign	ORS 811.265	\$1,000	\$300
Flr Obey Traf Cont Device	ORS 811.265	\$1,000	\$300
Flr Obey Traf Signal	ORS 811.265	\$1,000	\$300
Flr to Signal (Electric)	ORS 811.405	\$250	\$150
Flr to Signal (Ln Chng)	ORS 811.375	\$250	\$150
Flr to Signal (Stop) With Lts	ORS 811.405	\$250	\$150

TRAFFIC OFFENSES

<u>Offense</u>	<u>Authority</u>	<u>Maximum Fine</u>	<u>Presumptive Fine</u>
Flr to Signal (Turn) With Lts	ORS 811.405	\$250	\$150
Imp Left Turn	ORS 811.340	\$1,000	\$300
Imp Right Turn	ORS 811.355	\$1,000	\$300
Flr Use Appropriate Signal	ORS 811.400	\$1,000	\$300
Unlawful MC Passing	ORS 814.240	\$1,000	\$300
Unsafe Pass (On Left)	ORS 811.410	\$1,000	\$300
Unsafe Pass (On Right)	ORS 811.415	\$1,000	\$300
Unsafe Pass (No Passing Zone)	ORS 811.420	\$1,000	\$300
Unsafe Passing of Person on Bicycle	ORS 811.065	\$1,000	\$300
Flr Use Special Left Turn Lane	ORS 811.345	\$1,000	\$300
Inter w/Trf Cont Dev	ORS 810.240	\$2,000	\$500
Flr Stop for RR Signal	ORS 811.455	\$1,000	\$300
Impr Turn at Stop Lt (When Red)	ORS 811.360	\$1,000	\$300
Unlawful or Unsignaled Turn	ORS 811.335	\$250	\$150
Imp U-Turn	ORS 811.365	\$1,000	\$300
Flr Obey One-Way Designation	ORS 811.270	\$1,000	\$300
Crossing Cntr Line of 2-Way/4 Lane	ORS 811.310	\$1,000	\$300
Depriving MC/Moped of Full Lane	ORS 811.385	\$1,000	\$300
Drvng Wrong Way Around Rotary Island	ORS 811.330	\$1,000	\$300
Flr of Slow Drvr to Drv in Rt Lane	ORS 811.315	\$1,000	\$300
Flr to Drive in Single Lane	ORS 811.370	\$1,000	\$300
Flr to Drive on Right	ORS 811.295	\$1,000	\$300
Flr to Drive on Rt of Approach Veh	ORS 811.300	\$1,000	\$300
Flr to Drive on Rt Side of Div Hwy	ORS 811.320	\$1,000	\$300
Flr to Keep Camper, Trailer, Truck in Rt Lane	ORS 811.325	\$1,000	\$300
Unlawful Change of Lane (Unsafe)	ORS 811.375	\$250	\$150
Unsignaled Change of Lane	ORS 811.375	\$250	\$150
Flr to maintain safe distance from emerg veh	ORS 811.147	\$1,000	\$300
Failure To Yield Right-Of-Way:			
Flr to Yld Bicycle on Sidewalk	ORS 811.055	\$1,000	\$300
Flr to Stop for Pedestrian who is Blind	ORS 811.035	\$1,000	\$300
Flr to Stop for Pedestrian on Sidewalk	ORS 811.025	\$1,000	\$300
Flr to Yld Bicycle in Bike Lane	ORS 811.050	\$1,000	\$300
Flr to Yld at Contld Intrs	ORS 811.265	\$1,000	\$300
Flr to Yld in Roundabout	ORS 811.292	\$500	\$200
Flr to Yld at Drvwy/Alley/Priv Rd	ORS 811.280	\$1,000	\$300
Flr to Yld Emergency Vehicle	ORS 811.145	\$1,000	\$300
Flr to Yld Left Turn	ORS 811.350	\$1,000	\$300
Flr to Yld at Merging Lane	ORS 811.285	\$1,000	\$300
Flr to Yld Ped (Crswlk w/o Cntrl Dv)	ORS 811.028	\$1,000	\$300
Flr to Yld Ped (Crswlk, Turn on Red)	ORS 811.360	\$1,000	\$300
Flr to Yld Ped (Crswlk w/ Tr Sig)	ORS 811.028	\$1,000	\$300

TRAFFIC OFFENSES

Offense	Authority	Maximum Fine	Presumptive Fine
Flr to Yld Uncontrl'd Hwy Intrs	ORS 811.275	\$1,000	\$300
Flr to Yld to Traffic Control Member	ORS 811.017	\$2,000	\$500
Operators License Violations:			
No MTC Endorsement	ORS 807.010	\$1,000	\$300
Veh Oper w/o Driving Priv (Exp DL)	ORS 807.010	\$1,000	\$300
Veh Oper w/o Driving Priv (No DL)	ORS 807.010	\$1,000	\$300
License Restrictions	ORS 807.010	\$1,000	\$300
Flr Carry/Dsp/Present/Deliver DL	ORS 807.570	\$1,250	\$200
Flr Chg Name/Add DL w/in 30 Days	ORS 807.560	\$250	\$150
Flr Chg Name/Add ID w/in 30 Days	ORS 807.420	\$250	\$150
Flr to Surrender Out-of-State DL	ORS 807.540	\$250	\$150
Holding Multiple DL's	ORS 807.550	\$1,000	\$300
Veh Oper with Cancelled Lic	ORS 807.010	\$1,000	\$300
Permitting Misuse of DL (Lending)	ORS 807.590	\$6,250	\$665 Crime
Giving False Information	ORS 807.620	\$6,250	\$665 Crime
Misuse ID Card	ORS 807.430	\$6,250	\$1,138 Crime
Using Invalid DL	ORS 807.580	\$6,250	\$665 Crime
Using Another's DL	ORS 807.600	\$6,250	\$665 Crime
Flr to Return Suspended Drivers License	ORS 809.500	\$1,250	\$590
Vehicle License Violations:			
False Application Proh-Veh Reg	ORS 803.375	\$6,250	\$1,138 Crime
Exp Veh Lic/Reg (Fee Must be Paid)	ORS 803.315	\$250	\$150
Flr Chg Name/Addr w/in 30 Days	ORS 803.220	\$250	\$150
Flr Sign/Carry/Dsply Reg	ORS 803.505	\$250	\$150
Flr Trnsfr Title w/in 30 Days	ORS 803.105	\$250	\$150
Impr Disp Lic Plt Sticker	ORS 803.560	\$250	\$150
Impr Disp Veh Plates	ORS 803.540	\$250	\$150
Dealer Certificate Violation	ORS 822.005	\$6,250	\$1,201 Crime
Improper Display Dealer Plates	ORS 822.045(h)	\$250	\$150
Improper Use of Dealer Plates	ORS 822.045(g)	\$1,000	\$300
Switched Lic Plates	ORS 803.540	\$250	\$150
Switched Lic Plate Sticker	ORS 803.550	\$1,000	\$300
Flr to Reg Veh	ORS 803.300	\$250	\$150
Flr to Renew Veh Reg	ORS 803.455	\$250	\$150
Illegal Alteration/Dsply Plates	ORS 803.550	\$1,000	\$300
Exp Out-of-State Plates	ORS 803.545	\$500	\$200
Flr to Dsply Plates	ORS 803.540	\$250	\$150
Flr to Dsply Out-of-State Plates	ORS 803.545	\$500	\$200
Flr to Surr Out-of-State Reg/Plates	ORS 803.380	\$250	\$150
Improper Display of a Permit	ORS 803.655	\$250	\$150

TRAFFIC OFFENSES

<u>Offense</u>	<u>Authority</u>	<u>Maximum Fine</u>	<u>Presumptive Fine</u>
Light Violations:			
Flr Mark End of Load (Over 4') w/Light or Flag	ORS 815.275	\$500	\$200
Opr w/Nonstandard Ltg Equip (Type, Visibility, Color, Placement)	ORS 816.300	\$500	\$200
Opr w/o Required Ltg Equip	ORS 816.330	\$500	\$200
Def Headlights	ORS 816.330	\$500	\$200
Def Taillights	ORS 816.330	\$500	\$200
Def Reg. Plate Light (Visible 50')	ORS 816.330	\$500	\$200
Def Brake Lights	ORS 816.330	\$500	\$200
Def Turn Signals	ORS 816.330	\$500	\$200
Def Hi-Beam Indicator	ORS 816.330	\$500	\$200
Def Reflectors	ORS 816.330	\$500	\$200
Aux Lights Over 54" on	ORS 816.330	\$500	\$200
Back-Up Lights on When Going Forward	ORS 811.520	\$1,000	\$300
Driving w/o Lights	ORS 811.520	\$1,000	\$300
Flr to Dim HL (500' Oncom: 350' Rear)	ORS 811.520	\$1,000	\$300
Flr to Use Park Lights	ORS 811.520	\$250	\$150
More than 4 Lights When Hdlt Req.	ORS 811.520	\$1,000	\$300
Using Park Lights When Hdlt Required	ORS 811.520	\$1,000	\$300
Use of Prohibited Lighting Equip	ORS 816.360	\$500	\$200
Required Equipment:			
Brakes (Inclgd Emrgncy Brks)	ORS 815.130	\$500	\$200
Fenders/ Mudflaps	ORS 815.185	\$500	\$200
Horn (Audible 200 Ft)	ORS 815.230	\$500	\$200
Op/Allow Op Illgl Equip/Unsafe Veh	ORS 815.100	\$500	\$200
Rear View Mirror (Unobstructed 200 Ft)	ORS 815.235	\$500	\$200
Forward Crossover Mirror/Failure to Inspect	ORS 815.237	\$500	\$200
Turn Signals (Exc Pre '73 MC & Mopds)	ORS 816.320	\$500	\$200
Windshield Wiper	ORS 815.215	\$500	\$200
Exhaust System	ORS 815.250	\$500	\$200
Illegal Window Tinting	ORS 815.222	\$1,000	\$300
Excessive Noise Violations:			
Engine Braking	ORS 811.492	\$2,000	\$500
Excess Noise (Tires, Engine, Exhaust)	ORS 815.025	\$250	\$150
Improper Use of Horn	ORS 815.225	\$500	\$200
Unreasonable Sound Amplification from a vehicle	ORS 815.232	\$250	\$150
Miscellaneous Violations:			
Operating a Motor Vehicle while using a Mobile Communications Device	ORS 811.507	\$500	\$200
Conducting Wrecking Business w/o Certificate	ORS 822.100	\$6,250	\$1,201 Crime
Requirements for Destruction of Veh	ORS 819.010	\$6,250	\$1,138 Crime
Blocking Cross Traffic	ORS 811.290	\$250	\$150

TRAFFIC OFFENSES

Offense	Authority	Maximum Fine	Presumptive Fine
Carry Dog External Veh	ORS 811.200	\$250	\$150
Carry Child External Veh	ORS 811.205	\$1,000	\$300
Damage/Remove Sign	ORS 810.240	\$2,000	\$500
Drag Object on Road	ORS 818.320	\$250	\$150
Drv on Bicycle Ln/Path	ORS 811.435	\$1,000	\$300
Oper w/obstructing Passenger	ORS 811.190	\$250	\$150
Driving Uninsured	ORS 806.010	\$1,000	\$300
Flr to Carry Proof of Compliance w/Financial Responsibility Reg	ORS 806.012	\$1,000	\$300
Flr to Stop for School Bus	ORS 811.155	\$2,000	\$500
Unsafe School Vehicle Operation	ORS 820.180	\$1,000	\$300
Follow Fire Truck (500 Ft)	ORS 811.150	\$1,000	\$300
Follow too Close	ORS 811.485	\$1,000	\$300
Operating Unsafe Veh	ORS 815.020	\$1,000	\$300
Impeding Traffic	ORS 811.130	\$250	\$150
Op Low Speed Veh on Highway	ORS 811.512	\$1,000	\$300
Littering (Op/Pass)	ORS 164.805	\$1,250	\$200
Obstruction on Windows	ORS 815.220	\$250	\$150
Open Vehicle Door	ORS 811.490	\$250	\$150
Overtaking Stopped Vehicle	ORS 811.020	\$1,000	\$300
Prmt Unlwfvl Oper Veh	ORS 811.255	\$1,000	\$300
Sifting, Leaking Load	ORS 818.300	\$1,000	\$300
Studded Tires (Illgl - May 1 to Oct 31)	ORS 815.160	\$500	\$200
Throwing Burning Material From MV	ORS 476.715	\$500	\$200
Drvng on Hwy Divider	ORS 811.430	\$1,000	\$300
Endangering Child Passenger	ORS 811.210(1)(b)(c)	\$250	\$150
Flr to Wear Seat Belt	ORS 811.210(1)(a)(d)	\$250	\$150
Flr to Maintain Safety Belts	ORS 811.225	\$500	\$200
Flr to Stop Emerging from Alley, Driveway, Bldg	ORS 811.505	\$1,000	\$300
Illegal Backing	ORS 811.480	\$250	\$150
Interference with Emergency Veh	ORS 811.150	\$1,000	\$300
Passenger Obstruction of Driver	ORS 814.130	\$500	\$200
Unlawful Use of Television	ORS 815.240	\$1,000	\$300
Viol Max Size Limits	ORS 818.090	\$250	\$150
Viol Towing Safety Reg	ORS 818.160	\$1,000	\$300
Viol Min Road Clearance	ORS 815.245	\$1,000	\$300
Viol Truck Route (Authority 810.040)	ORS 811.450	\$1,000	\$300
Viol Maximum Weight Limits when Vehicle Eligible for Variance Permit	ORS 818.020	\$2,000	\$500
Visible Emissions	ORS 815.200	\$250	\$150
Smoking in Vehicle with Juvenile:			
1 st Offense	Ch. 361 Oregon Laws 2013	\$250	\$150
Subsequent Offense(s)	Ch. 361 Oregon Laws 2013	\$500	\$200

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **10. c.**
Council Hearing Date: January 11, 2016

TITLE: UPDATE DANGEROUS BUILDING 29448 RUSSELL ST

SUMMARY AND BACKGROUND:

JANUARY 2016: At the September 2015 Council meeting, the Council determined that the structure on the property identified above DID meet the definition of a Dangerous Building and adopted that decision by Resolution R1516-04. The local contact for the foreclosure company said they needed until mid-October to conclude the legal process and asked for a stay on any City action until after that time. The Council directed me to inform the responsible parties that the Council would defer further action on the property until November. I have corresponded via email several times with the local contact and the management company on this property. I have attached that correspondence. It is now January and nothing has been done to clean the property up.

REQUESTED MOTION/ACTION:

Direct staff on how to proceed

EMAIL CORRESPONDENCE AS OF Thursday, January 7, 2016

From: Cody, Doug <doug_cody@fanniemae.com>
To: Jodi Fritts
Cc:
Subject: RE: FW: Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Sent: Thu 1/7/2016 9:34 AM

Jodi,

I've escalated to our vendor to see when debris removal will begin. The redemption expired on 12/8/15 and at that point, our vendor – NFN – would have had to submit approval to HUD. HUD isn't the fastest to deal with. I hope to have more information for you sometime today.

Thank you,

Doug Cody

REO/Foreclosure Spec IV-Credit, Credit Portfolio Management (CPM)

Real Estate

Fannie Mae

972-656-7772 (direct)

From: Jodi Fritts [<mailto:jfritts@goldbeachoregon.gov>]

Sent: Wednesday, January 06, 2016 6:46 PM

To: Cody, Doug

Cc: Skip Watwood (skip@century21agate.com); Jodi Fritts

Subject: [EXTERNAL] FW: FW: Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Importance: High

Hi Doug:

It's been almost a month since I received this update from Skip and nothing has been done to this property.

The Gold Beach City Council declared the structure located at this address a Dangerous Building at the September 14, 2015 City Council hearing. The council deferred further City action until November 1st to allow you guys time to straighten out the ownership issue.

I have a City Council meeting on Monday the 11th. I need to update the Council on how you intend to proceed with this violation. They weren't real thrilled to grant the extension until November and since nothing has been done to clean the property up to date, I believe they will direct me to start the abatement process. If that happens, we will lien the property with any costs incurred by the City. The last cleanup we had to pay for this past summer was \$8K and, to be honest, that property was SPOTLESS compared to this one, so I'm thinking we are talking \$15K-\$25K if we are forced to have it cleaned.

I need to know what the status of the property is.

Thanks,

Jodi Fritts-Matthey

City Administrator

City of Gold Beach

From: Skip Watwood [<mailto:skip@century21agate.com>]

Sent: Tuesday, December 8, 2015 11:54 AM

To: Jodi Fritts

Subject: Fwd: FW: Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Jodi,

See Doug's 2nd message from this morning below.

Thank you!

Skip Watwood / Realtor

Century 21 Agate Realty

Cell/text (541) 661-1504

Toll Free/Office (800) 637-4682

Fax (541) 469-5438

----- Forwarded message -----

From: **Cody, Doug** <doug_cody@fanniema.com>

Date: Tue, Dec 8, 2015 at 11:52 AM

Subject: FW: Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

To: Skip Watwood <skip@century21agate.com>

Skip,

Redemption issue now closed and I have escalated to NFN to get a crew out there asap. Please reach out to NFN at 732-276-5563.

Thank you,

Doug Cody

REO/Foreclosure Spec IV-Credit, Credit Portfolio Management (CPM)

From: Cody, Doug

Sent: Tuesday, December 08, 2015 1:44 PM

To: 'Skip Watwood'

Subject: RE: [EXTERNAL] Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Skip,

For some reason the redemption issue was not closed. I have emailed to have this closed so NFN can get out there to trash out and clean up. Please give Jodi my apologies for this delay and tell her we work on getting this completed as quickly as possible. NFN just cannot begin any work until the redemption issue is closed in our system.

Thank you,

Doug Cody

REO/Foreclosure Spec IV-Credit, Credit Portfolio Management (CPM)

From: Skip Watwood [mailto:skip@century21agate.com]

Sent: Tuesday, December 08, 2015 10:49 AM

To: Cody, Doug

Subject: [EXTERNAL] Fwd: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Doug,

See the email below from the City of Gold Beach. Can you update me/Gold Beach in the status of this clean up.

Thank you!

Skip Watwood / Realtor

Begin forwarded message:**From:** Jodi Fritts <jfritts@goldbeachoregon.gov>
Date: December 8, 2015 at 8:36:04 AM PST
To: Skip Watwood <skip@century21agate.com>
Cc: Jodi Fritts <jfritts@goldbeachoregon.gov>
Subject: RE: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Hi Skip:

It is now December 8th and there has been no movement on the part of the bank/lien holder to clean up the property. The Council declared the building a Dangerous Building at the September council meeting and deferred City clean-up until November to allow the bank time to get it cleaned up. It's a month past that deadline now.

We aren't having the December meeting on the usual 2nd Monday this month but the matter will be sent back to the council at its next meeting. They aren't going to look favorably on the situation since the requested extension was granted and there has been no progress.

I need to know what the status of the clean-up is.

Jodi Fritts-Matthey
City Administrator
City of Gold Beach

From: Skip Watwood [<mailto:skip@century21agate.com>]
Sent: Tuesday, September 15, 2015 3:49 PM
To: Jodi Fritts
Subject: Re: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

thank you Jodi I will forward this to the appropriate parties

Thank you!
Skip Watwood / Realtor

On Sep 15, 2015, at 3:10 PM, Jodi Fritts <jfritts@goldbeachoregon.gov> wrote:

Hi Skip:

I'm sending this to you since you seem to be the local agent. If there is someone else I should send this to please let me know.

The Council held the Dangerous Building hearing last night and decided it met the definition of Dangerous Building and shall be abated. We spoke about the redemption period and the Council made the decision to allow until November 1st to have the property cleaned up. I will follow-up with you later next month.

Jodi Fritts-Matthey
City Administrator
City of Gold Beach

From: Skip Watwood [<mailto:skip@century21agate.com>]
Sent: Tuesday, September 1, 2015 1:57 PM
To: Jodi Fritts
Subject: Re: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

Jodi,

did you see my last email ?

Thank you!
Skip Watwood / Realtor

On Aug 26, 2015, at 12:38 PM, Jodi Fritts <jfritts@goldbeachoregon.gov> wrote:
The owner has passed away so there is no hope for redemption I'm thinking. The DB hearing is next council meeting September 14. I can pass this info onto the council.

Sent from my iPhone Please excuse shorthand or typos

On Aug 26, 2015, at 12:23 PM, Skip Watwood <skip@century21agate.com> wrote:

Jodi,
The "Redemption Period" due to the Judicial Foreclosure process expires in mid October. they would like until that time to start the clean up. Fannie Mae, in my experience has been very prompt about cleanups however they don't do them that redemption period expires even though the owner rarely ever redeems the property. let me know what can be done to have additional time and thanks for replying so quickly.

Thank you!
Skip Watwood / Realtor

On Aug 26, 2015, at 11:26 AM, Jodi Fritts <jfritts@goldbeachoregon.gov> wrote:
I'm in a conference so not able to call. What is their definition of "...work with us.."? The property needs to be cleaned up--are they proposing to start cleaning?

Sent from my iPhone Please excuse shorthand or typos

On Aug 26, 2015, at 11:18 AM, Skip Watwood <skip@century21agate.com> wrote:

Jodi,

I understand you are out of the office until Friday. Can you please call me regarding this email and the property located at 29448 Russell Street?

Thank you!
Skip Watwood / Realtor

Begin forwarded message:
From: "Cody, Doug" <doug_cody@fanniema.com>
Date: August 25, 2015 at 11:58:50 AM PDT
To: "skip@century21agate.com" <skip@century21agate.com>
Subject: L15030R - 29448 RUSSELL STREET, GOLD BEACH, OR 97444

George,

This is the one I called you about. Could you reach out to Jodi Fritts-Matthey and explain that this is in redemption and see if they'll work with us until it expires in October.

Pursuant to City of Gold Beach Code Section 5.375, notice is hereby given of a Dangerous Building Public Hearing. The public hearing will be held by the City Council on Monday, September 14, 2015, at 6:30PM in the City of Gold Beach Council Chambers. At the hearing, the owner or other person(s) interested in the property or the building shall have the right to be heard. The building that is subject to this hearing is located at **29448 Russell Street, Gold Beach**. For information regarding this notice, the public hearing, or the nature of the nuisance, please contact City Administrator, Jodi Fritts-Matthey: 541-247-7029 jfritts@goldbeachoregon.gov
Publish: September 2nd & September 9th

Jodi Fritts-Matthey
City Administrator
City of Gold Beach

Thank you,
Doug Cody
REO/Foreclosure Spec IV-Credit, Credit Portfolio Management (CPM)
Real Estate
Fannie Mae
972-656-7772 (direct)
www.fanniemae.com/progress

For your reference: SEPTEMBER REPORT

Staff reported to the Council at the August meeting that the structure(s) appeared to meet the requirements to report the building to the Council to determine whether a Dangerous Building hearing should be scheduled. The Council determined a hearing should be set.

Notice of the hearing was published as provided in Section 5.375. The property owner listed in the tax records of Curry County is deceased. Staff is aware there is a son alive, but we have no contact information or even a name. A neighboring landlord has been in email contact with a representative of REO Management Solutions in Houston, Texas. Staff notified that contact by email as well. A local contact, Skip Watwood, responded by email. He said the house was in the "redemption period" with Fannie Mae and the company could not do anything until that period expires in mid-October. He requested that the Council defer a decision until after that time. I told him the hearing was already scheduled and that I would pass his information on to the Council.

Pursuant to Section 5.370 (excerpt) :

... At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

A determination must be made whether or not the building is dangerous by one or more of the definitions:

- (1) The term "dangerous buildings" shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.

It is Staff's opinion that the structure(s) meet the definition of Dangerous Building by subsection a (because of the last section), b (because of rubbish and waste), c (because of the icky fridge), and d (partial collapse—the foundation is the only thing that appears intact). After receiving testimony during the hearing the Council may determine one or more of the four conditions have been met, or not.

REQUESTED MOTION/ACTION:

I make the motion that the structure located at 29448 Russell Street

DOES NOT meet the definition of Dangerous Building.

OR

DOES meet the definition of Dangerous Building (insert a, b, c, d or combination of) and direct the City Administrator to take the following action: (insert action to be determined by the council).

Staff has prepared two draft resolutions: DOES meet, and DOES NOT meet the definition of Dangerous Building.

FROM AUGUST REPORT:

Pursuant to City Code Section 5.365 staff conducted an inspection of property located at 29448 Russell Street. Staff is of the opinion that the structure on the subject property meets the definition of Dangerous Building (5.350(1) (d) and probably (a)). Staff is reporting that opinion to the Council for the purpose of determining whether the Dangerous Building Hearing process should be initiated.

We have also been contacted several times by a neighboring property owner who is concerned about the condition of the house and the various little buildings and junk. He is concerned about fire and vermin. The house is currently unoccupied. The owner past away last year and was foreclosed on by the mortgage holder. We have been in contact with the mortgage company and while they have been polite, they have been completely uncooperative and have done nothing to clean up the property.

City Code Section 5.350-5.398

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

- (1) The term “dangerous buildings” shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.
- (2) The term “person” shall include every natural person, firm, partnership, association or corporation.
- (3) “City official” means any Councilor, mayor, city employee, or any agency or employee of

any agency under contract to the City for services.

5.355 General Regulations.

- (1) Administration. The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) Inspections. The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance; and the same may be abated by the procedures herein specified, or a suit for abatement thereof may be brought by the City.

5.365 Initial Action.

Whenever a city official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the City Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

5.370 Hearing; Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing. A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

5.375 Published and Posted Notices.

Ten (10) days' notice of any hearing shall be published in a newspaper of general circulation in the City or by posting notices thereof in three (3) public places in the City. If the last-mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

5.380 Council Orders; Notice.

Five (5) days' notice of findings made by the Council at a hearing and any orders made by the Council shall be given to the owner of the building, the owner's agent or other person controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five (5) days), then the Council shall have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

In the event that the Council orders are not complied with, the Council must specify with convenient certainty the work to be done and shall file a statement thereof with the City Administrator, and shall advertise for bids for the doing of the working the manner provided for advertising for bids for street improvement work. Bids shall be received, opened and the contract let.

5.390 Assessment.

The Council shall ascertain and determine the probable cost of the work and assess the same against the property upon which the building is situated. The assessment shall be entered in the docket of city liens and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

5.395 Summary Abatement.

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

5.398 Penalty.

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, may be fined a maximum amount as set by resolution of the City Council for the first and all subsequent offenses. Each day's violation of a provision of this Code constitutes a separate offense.

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. d.
Council Hearing Date: January 11, 2016

TITLE: Discuss Possible Medical and Recreational Marijuana Regulations & Local Tax

SUMMARY AND BACKGROUND:

We have discussed medical and recreational marijuana many, many times in the past few years-most recently in November. At that time we talked about whether to impose a tax on recreational sales or to adopt any land use regulation in the zoning code related to marijuana businesses.

Legal Counsel has kept me updated on changes on the state level as they are being discussed and adopted. Below is a summary of items she suggested we discuss and consider.

- The Council can adopt up to a 3% tax on recreational retail marijuana sales, **but it won't take effect unless and until it is approved by the voters in November 2016.** There is no rush but we will need to move on it sometime before summer to comply with election time lines.
- If the Council wants to stop medical dispensaries and/or recreational facilities from locating in the City, they could adopt an ordinance banning those facilities now. **The ordinance would not take effect unless and until it is approved by the voters in November 2016,** but OHA and OLCC will stop issuing licenses in Gold Beach immediately.
- If the Council wants to enact land use regulations for recreational vendors they should start thinking about what those regulations might look like sooner rather than later. After making a quick review of our current zoning ordinance this is what she found:
 - ✓ Medical dispensaries and recreational retail would not be allowed in residential zones (1-R, 2-R and 3-R).
 - ✓ Recreational grows would be allowed on sites of at least an acre in all three residential zones (outright permitted in 1-R and 3-R, and conditionally permitted in 2-R).
 - ✓ Certain types of medical and recreational processors would likely be allowed as home occupations (either outright permitted or conditionally permitted) in all three zones.

- ✓ Recreational and medical processors, recreational wholesalers, recreational retailers and medical dispensaries are all outright permitted in the commercial and industrial zones. If you consider grows to be “manufacturing,” they are outright permitted as well.

Applicable state laws:

- Medical dispensaries are not allowed to locate within 1000 feet of a school or 1000 feet of each other, and may not locate in a residential zone.
- Recreational retail outlets may not locate within 1000 feet of a school (cities can add other reasonable buffers but may not require that recreational retail outlets locate MORE than 1000 feet from each other) and may not locate in a residential zone.
- Medical and recreational processors that process extracts may not be located in a residential zone.
- Recreational marijuana wholesalers may not be located in a residential zone.

Other considerations:

- Other cities have looked at adopting buffers around parks, libraries, and day care centers. Gold Beach could also as long as the buffers are not too big and they don't effectively prohibit marijuana facilities from locating in town.
- Staff was concerned about ineffective State/OLCC regulation and oversight. The Council could discuss adoption of some of the OLCC requirements (such as security measures) as City requirements so that the City has enforcement authority if OLCC does not step up.

THE “T” WORD!:

Lots of cities adopted taxes on both medical and recreational marijuana before Measure 91 was enacted, in the hope that the legislature would grandfather in pre-existing city taxes. **Instead, the legislature adopted HB 3400, which provides that cities only have the authority to tax recreational retail marijuana sales, and only if the city tax is approved by the voters in November of 2016.**

HB 3400 says that except for local taxes expressly authorized by HB 3400 (i.e. up to 3%, must be approved by the voters) the authority to impose taxes on marijuana belongs only to the Legislature.

At the request of Senator Prozanski, the Office of Legislative Counsel (the lawyers for the Legislature) recently issued an opinion that cities do not have the authority to tax medical marijuana. The opinion does not spend much time discussing taxation of recreational marijuana, presumably because Senator Prozanski's question focused on taxation of medical marijuana, but Legislative Counsel appears to conclude that cities have no authority to tax medical marijuana and the only authority cities have to tax recreational marijuana is the authority provided by HB 3400 (i.e. up to a 3% tax on recreational retail sales, if approved by the voters of the City in November of 2016).

I have attached a copy of legal opinion.

REQUESTED MOTION/ACTION:

Direct staff on how to proceed.

- **Tax Recreational?**
 - **Prepare an ordinance for adoption and begin election process for November**
- **Land Use Regulations? Time and place? Buffers?**
 - **Start the planning commission process**
- **City enforcement? Adopt some of the state security requirements as the City's?**
 - **Prepare an ordinance for adoption**



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

November 13, 2015

Senator Floyd Prozanski
900 Court Street NE S415
Salem OR 97301

Re: Taxation of marijuana transferred by a medical marijuana dispensary

Dear Senator Prozanski:

You have asked this office for an opinion on whether a city or county may adopt an ordinance that imposes a tax on marijuana and marijuana-derived products sold by a medical marijuana dispensary on and after July 1, 2015.¹ The answer to your question is no, a city or county may not adopt such an ordinance.

State law currently prohibits the enactment of any tax by a city or county on marijuana or marijuana-derived products, except as expressly authorized by state law.² Under section 34a, chapter 614:

(1)(a) Except as expressly authorized by this section, the authority to impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly.

(b) Except as expressly authorized by this section, a county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items in this state.

Section 34a then sets forth the circumstances under which a city or county may adopt an ordinance imposing a tax or fee. The ordinance must be referred to the electors of the city or county for approval at the next statewide general election.³ The ordinance may only impose a tax or fee on marijuana or marijuana-derived products being sold by a marijuana retailer that holds a license issued by the Oregon Liquor Control Commission.⁴ Finally, the ordinance may

¹ All statutes that are a part of the Oregon Medical Marijuana Act referenced in this opinion were amended by chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400) (hereinafter chapter 614). Those amendments become operative on March 1, 2016. See section 179, chapter 614. For purposes of this opinion, we cite the versions of those statutes that are currently operative. Please note, however, that the amendments to those statutes does not change our analysis of the question that you have asked.

² The provision of law in question, section 34a, chapter 614, became effective on passage (June 30, 2015). See section 182, chapter 614 (declaring an emergency and specifying that chapter 614 becomes effective on passage). Unlike other provisions of chapter 614, section 34a also became *operative* on passage. See section 178, chapter 614 (excluding section 34a from sections subject to a January 1, 2016, operative date).

³ Section 34a (2) and (3), chapter 614.

⁴ Section 34a (2), chapter 614.

not impose a tax or fee in excess of three percent of the price of the marijuana or marijuana-derived product.⁵ In short, under this provision of law, a city or county is prohibited from imposing a tax or fee of any sort on a medical marijuana dispensary.

It also is important to understand the context under which marijuana and marijuana-derived products are transferred by medical marijuana dispensaries to medical marijuana cardholders.⁶ Under current law, medical marijuana dispensaries⁷ may transfer usable marijuana and immature marijuana plants to medical marijuana cardholders or the designated primary caregivers of medical marijuana cardholders.⁸ However, medical marijuana dispensaries may not own the marijuana or the marijuana-derived products. All marijuana and marijuana-derived products are owned by the medical marijuana cardholder who originally applied to the Oregon Health Authority for the privilege to grow marijuana for medical purposes.⁹ Thus, medical marijuana dispensaries *do not sell* marijuana or marijuana-derived products to medical marijuana cardholders, they merely function as a mechanism by which marijuana and marijuana-derived products may be transferred from one medical marijuana cardholder to another medical marijuana cardholder. A medical marijuana dispensary may receive reimbursement from a medical marijuana cardholder for the “normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.”¹⁰ However, reimbursement for those costs is not a “sale” of marijuana or marijuana-derived products, and a medical marijuana dispensary that does sell marijuana or marijuana-derived products is subject to disciplinary action, including loss of registration.¹¹ With this in mind, a city or county may not impose a tax on marijuana and marijuana-derived products sold by a medical marijuana dispensary because no marijuana or marijuana-derived products are actually being sold. A medical marijuana dispensary that is in compliance with state law is merely being reimbursed for the costs associated with making a transfer from one medical marijuana cardholder to another.

There is one exception to the provisions of law described above: if a medical marijuana dispensary elects to make sales as described in section 2, chapter 784, Oregon Laws 2015 (Enrolled Senate Bill 460) (hereinafter chapter 784), then on and after January 4, 2016, the medical marijuana dispensary must collect a tax on the sale of marijuana and marijuana-derived

⁵ Section 34a (4), chapter 614.

⁶ The term used for medical marijuana cardholder in state law is “registry identification cardholder.” See ORS 475.309. For purposes of this opinion, we use the term “medical marijuana cardholder” as it is the more commonly used term.

⁷ The term used for medical marijuana dispensaries under current state law is “medical marijuana facility.” However, chapter 614 amended state law to change the term to “medical marijuana dispensary.” See sections 80 and 86, chapter 614.

⁸ ORS 475.314.

⁹ See ORS 475.304 (5) (specifying that “[a]ll usable marijuana, plants, seedlings and seeds associated with the production of marijuana for a [medical marijuana] cardholder by a person responsible for a marijuana grow site are the property of the [medical marijuana] cardholder and must be provided to the [medical marijuana] cardholder, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a medical marijuana [dispensary] registered under ORS 475.314, upon request”) and ORS 475.314 (6)(a) (specifying that a medical marijuana dispensary “may receive usable marijuana or immature marijuana plants only from a [medical marijuana] cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana [dispensary] obtains authorization, on a form prescribed by the [Oregon Health] Authority by rule and signed by a [medical marijuana] cardholder, to receive the usable marijuana or immature marijuana plants”).

¹⁰ ORS 475.314 (10)(a).

¹¹ ORS 475.314 (11).

products to individuals to whom the medical marijuana dispensary makes a retail sale.¹² Importantly, this is a sales tax imposed and collected by the state, not a city or county.¹³ Under the law, medical marijuana dispensaries may make a retail sale to any person who is 21 years of age or older.¹⁴ Further, the rate of the tax is prescribed by state law: 25 percent of the sales price.¹⁵ Finally, medical marijuana dispensaries are most likely not making retail sales to medical marijuana cardholders. Medical marijuana dispensaries are most likely still transferring marijuana and marijuana-derived products to medical marijuana cardholders for the cost of reimbursement. Thus, the tax imposed by section 21a, chapter 699, is most likely a tax that only affects individuals who are not medical marijuana cardholders.

If you have any other questions about this matter, do not hesitate to contact our office.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel



By
Mark B. Mayer
Deputy Legislative Counsel

¹² Section 21a, chapter 699, Oregon Laws 2015 (Enrolled House Bill 2041) (hereinafter chapter 699). See *also* section 2, chapter 784 (specifying that a medical marijuana dispensary may sell the seeds of marijuana, the dried leaves and flowers of marijuana and immature marijuana plants to any person who is 21 years of age or older under certain conditions) and section 2, chapter 699 (imposing upon the retail sale of marijuana items in this state, including marijuana leaves, marijuana flowers and immature marijuana plants, a direct tax on the consumer of a marijuana item).

¹³ See section 3, chapter 699.

¹⁴ Section 2, chapter 784.

¹⁵ Section 21a (2), chapter 699.