



**CITY COUNCIL AGENDA**  
**September 8, 2014, 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		
<b>Council Position #2 Larry Brennan</b>		
<b>Council Position #3 Brice Gregory</b>		
<b>STARTING VOTE</b>		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

**3. Special Orders of Business:**  
 Proclamation 2014 National Preparedness Month

**4. Consent Calendar:**  
 None Scheduled

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

**6. Public Hearing**  
 None scheduled

**7. Citizen Requested Agenda Items**  
 None Scheduled

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

**9. Ordinances & Resolutions**  
 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*

10. **Miscellaneous Items (including policy discussions and determinations)**
  - a. Quick update on status of Fire Truck Levy and Council election filings
  - b. Continuation of proposed elected official travel policy
  - c. Ordinance housekeeping items
  
11. **City Administrator's Report**  
To be presented at meeting
  
12. **Mayor and Council Member Comments**
  - a. Mayor Karl Popoff
  - b. Councilors
    - 1) Melinda McVey
    - 2) Larry Brennan
    - 3) Brice Gregory
    - 4) Doug Brand
    - 5) Tamie Kaufman
  - c. Student Liaison, Vacant
  
13. **Citizens Comments**  
As presented to the Mayor at the beginning of the meeting
  
14. **Executive Session**  
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, October 13, 2014, 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



**PROCLAMATION**  
**National Preparedness Month, September 2014**

**WHEREAS**, "National Preparedness Month" creates an important opportunity for every resident of the City of Gold Beach to prepare their homes, businesses, and communities for any type of emergency from natural disasters to potential terrorist attacks; and

**WHEREAS**, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

**WHEREAS**, the Federal Emergency Management Agency's *Ready* Campaign, Citizen Corps and other federal, state, local, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

**WHEREAS**, all citizens of the City of Gold Beach are encouraged to

- Be informed about the different types of emergencies that can occur in our area; and
- Make a Family Emergency Plan; and
- Build an Emergency Supply Kit; and
- Get involved in preparing our community.

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Gold Beach, hereby proclaims September 2014 as National Preparedness Month, and encourages all citizens and businesses to pledge to prepare their own emergency preparedness plan, and work together toward creating a more prepared Gold Beach.

DATED this 8<sup>th</sup> day of September, 2014

**BE DISASTER AWARE**



**TAKE ACTION TO PREPARE**

Karl Popoff, Mayor





# MISC. ITEMS

(INCLUDING POLICY DISCUSSIONS  
AND DETERMINATIONS)

# **GOLD BEACH CITY COUNCIL AGENDA REPORT**



Agenda Item No. **10. a.**  
Council Hearing Date: September 8, 2014

## **TITLE: Council Election Filings and Update on Fire Truck Levy progress**

### **SUMMARY AND BACKGROUND:**

#### **Council Election Filings**

The deadline to file for Council Positions #1, #3, and #5 was 5PM on Monday, August 25<sup>th</sup>. I delivered the filings to the County Clerk on Tuesday the 26<sup>th</sup>. The following persons will be on the November 4<sup>th</sup> ballot:

Position #1: Melinda McVey (incumbent)

Position#3: Evald Nelson IV  
Rebecca (Becky) Campbell  
M. Kathleen "Kitty" Root-Bunten

Position #5: Tamie Kaufman (incumbent)

So Position #3 is the only contested race. Should be interesting!

#### **Fire Truck Levy**

**SEPTEMBER REPORT:** I filed state election form SEL 802 with the County Clerk on Friday, August 15<sup>th</sup> for inclusion on the November 4<sup>th</sup> ballot so we are good to go.

**AUGUST REPORT:** Just a quick update on the status of the levy. We passed the resolution last month authorizing the election. I had the required Notice of Receipt of Ballot Title published in both the Reporter and Pilot. A copy is attached. The next step is to forward the completed form SEL 802 Notice of Measure Election to the county elections office which I will do this week. I will keep you posted.

**JULY REPORT:** We spent a lot of time last year discussing the resumption of the local option tax levy for the future purchase of a new fire truck in approximately 7 years. I am attaching the council report and information from last year instead of rehashing it all in new report.

We put the measure on the ballot of the November 2013 election. The measure did not pass. The statistics provided by the County Clerk showed we had a 70.12% voter turnout and 862 valid votes cast. The vote was 408 in favor of the levy and 454 against, so we lost by 46 votes. Clearly this is an important issue for our citizens. I believe the measure would have passed had it not been for the hospital levy—BUT it was vitally important that that measure pass as well and I knew we would have time for another bite at the apple where the hospital district did not. I am glad their measure passed because it deeply affects our community and the loss of the hospital would be catastrophic for many different reasons.

We are now back to that second bite at the apple. In order to proceed with putting this measure on November 2014 ballot we need to follow the same process we did last year (in attached report). I revised the resolution for the levy for us to consider tonight. Due to the state election timelines for filing we need to make a final decision on whether to proceed in November tonight.

**REQUESTED MOTION/ACTION:**

**No action update only**

Council and Chief Floyd



# City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

Administration: 541-247-7029 • Police: 541-247-6671 • [www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)

Visitor Center: 541-247-7526 • [www.goldbeach.org](http://www.goldbeach.org)

Tuesday, August 26, 2014

Curry County Elections  
Attn: Shelly Denney  
PO Box 746  
Gold Beach, OR 97444

**RE: City Council Candidates November General Election**

Dear Shelly:

I hereby certify that the following individuals have met the requirements for filing of candidacy and are to be included on the November 4, 2014 ballot:

**Council Position #1, Term: December 15, 2014 to December 14, 2018**

**Melinda E. McVey**

**Ballot Name: Melinda McVey**

Filed by petition and verified by your office on August 13, 2014

**Council Position #3, Term: December 15, 2014 to December 14, 2018**

**Evald Nelson IV**

**Ballot Name: Evald Nelson IV**

Filed by declaration and paid the required fee on August 1, 2014

**Rebecca A. Campbell**

**Ballot Name: Becky Campbell**

Filed by petition and verified by your office on August 14, 2014

**M. Kathleen Root-Buntten**

**Ballot Name: M. Kathleen "Kitty" Root-Buntten**

Filed by declaration and paid the required fee on August 25, 2014

**Council Position #5, Term: December 15, 2014 to December 14, 2018**

**Tamie L. Kaufman**

**Ballot Name: Tamie Kaufman**

Filed by petition and verified by your office on August 13, 2014

These are the only potential candidates that have met the candidacy filing requirements. If you have any questions please call or email me.

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# Notice of City Measure Election

**SEL 802**

rev 1/12: ORS 250.035, 250.041,  
250.275, 250.285, 254.085, 254.465

## City and Notice Information

Notice is hereby given on August 15, 2014, that a measure election will be held in

City of Gold Beach

Oregon on November 4

, 2014.

Name of City or Cities

Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

## Caption - 10 words

SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK LEVY

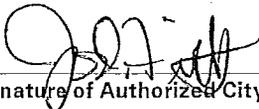
## Question - 20 words

Shall Gold Beach impose \$60,000 per year for seven years for capital projects beginning in the fiscal year 2015-2016? This measure may cause property taxes to increase more than three percent.

## Summary - 175 words

This measure would impose property taxes of \$60,000 per year for seven years to purchase a replacement fire truck for the City of Gold Beach. Fire trucks average a useful life of twenty-five years. New trucks currently cost between \$400,000 and \$700,000. Purchase of a new truck from this levy is expected by June 30, 2022. The Gold Beach-Wedderburn Rural Fire Protection District, to which the City provides contract fire protection services, will contribute \$100,000 toward the purchase price. The total amount to be raised by this local option tax is \$420,000. It is estimated that the proposed tax will result in a rate of \$0.27 per \$1,000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.



Signature of Authorized City Official not required to be notarized

8/15/2014

Date Signed mm/dd/yy

City of Gold Beach - Jodi Fritts

Printed Name of Authorized City Official

City Administrator

Title

## RESOLUTION R1415-03

### A RESOLUTION OF THE CITY OF GOLD BEACH, CURRY COUNTY OREGON, TO SUBMIT TO THE VOTERS OF THE CITY A MEASURE CONCERNING A SEVEN (7) YEAR CAPITAL PROJECTS LOCAL OPTION TAX FOR A FIRE TRUCK AND TO CALL AN ELECTION

#### RECITALS:

- A. The City's 2013-2014 property tax base of \$518,586 (\$2.336 per \$1000 of assessed value), was established by Constitutional limitation, and the Council has not received approval of a new tax base proposal since at least June of 1999.
- B. The City has historically financed acquisition of new fire trucks through serial levies in approximately seven (7) year increments. The first levy was approved by the voters in 1989. The most recent fire truck levy was approved by the voters in November 2004.
- C. In order to continue to finance the capital purchase of adequate fire protection equipment, specifically a fire truck, the Council has determined that a Capital Projects Local Option Tax be established for the acquisition of the fire truck.
- D. By Resolution R1314-01, approved by the Council on August 12<sup>th</sup>, 2013, the measure was placed before the voters of the City of Gold Beach for the November 2014 General Election. The measure failed to pass by a slim margin.

#### NOW, THEREFORE, THE CITY OF GOLD BEACH RESOLVES AS FOLLOWS:

Section One. The Measure hereinafter set forth shall be submitted to the legal voters of the City of Gold Beach, Oregon, at an election to be held on November 4, 2014 for their adoption or rejection:

#### CAPTION:

**SEVEN YEAR CAPITAL PROJECTS LOCAL OPTION FIRE TRUCK LEVY.**

#### QUESTION:

Shall Gold Beach impose \$60,000 per year for seven years for capital projects beginning in fiscal year 2015-2016? This measure may cause property taxes to increase more than three percent.

#### SUMMARY:

This measure would impose property taxes of \$60,000 per year for seven years to purchase a replacement fire truck for the City of Gold Beach. Fire trucks average a useful life of twenty-five years. New trucks currently cost between \$400,000 and \$700,000. Purchase of a new truck from this levy is expected by June 30, 2022. The Gold Beach-Wedderburn Rural Fire Protection District, to which the City

provides contract fire protection services, will contribute \$100,000 toward the purchase price. The total amount to be raised by this local option tax is \$420,000. It is estimated that the proposed tax will result in a rate of \$0.27 per \$1,000 of assessed value. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

Section Two. The City Council orders this City election to be held in the City of Gold Beach, Oregon, concurrently with the general election, on the 4<sup>th</sup> day of November, 2014, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section Three. The election shall be conducted by Curry County. The County Clerk for Curry County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.

Section Four. This Resolution, including the proposed ballot title, shall be filed with the City Administrator at the City of Gold Beach City Hall.

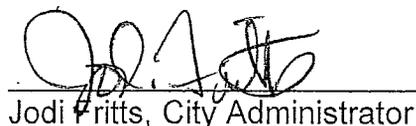
Section Five. The City Administrator shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law.

Section Six. This Resolution shall become effective immediately upon its adoption

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 21<sup>st</sup> DAY OF JULY, 2014.

  
Karl Poppoff, Mayor

ATTEST:

  
Jodi Pritts, City Administrator

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. c.  
Council Hearing Date: September 8, 2014

## **TITLE: Proposed Ordinance Housekeeping Items and Discussion Topics**

### **SUMMARY AND BACKGROUND:**

Some of the proposed changes are housekeeping matters to clean up what we current have and do not require any real change. Other topics I'd like the Council to discuss and make a legislative decision on whether the City should change/regulate a specific thing. I'll implement whatever the Council decides I just need some direction.

### **ADMINISTRATION CODE PROPOSED CHANGES/CORRECTIONS**

#### **Current Code reads:**

Section 1.110 City Administrator

(2) Duties, Powers and Authority of City Administrator

(e) City Administrator shall supervise the operator of all departments and public utilities owned and operated by the city, and shall have the supervision powers over all city real or personal property.

#### **Proposed correction/amendment:**

City Administrator shall supervise the *operations* of all departments and public utilities owned and operated by the city and shall have the supervision powers over all city real or personal property. *Prior to acquisition of, disposal of, or improvements to real property owned by the City, the City Administrator shall consult with the City Council before taking action.*

#### **Rational:**

When I informed the Council last year that the PW Superintendent and I offered real property at South Beach Park for the construction Veteran's Memorial some council members, while in favor of the memorial, felt the matter should have been a council decision. I consulted with legal counsel regarding the extent of the authority delineated in 1.110 (2)(e) and, as it is currently written, the code gives the CA the authority to allow such real property transactions. Councilor Kaufman felt the Council had reached a consensus that such real property uses should be approved by the Council. I do not recall that a consensus was reached but present it here for the Council to review as a legislative matter.

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### **UTILITY CODE**

Currently we have nothing in the code to deal with delinquent properties with no known owner (foreclosures or pre-foreclosure abandoned properties). Legislation on a federal level has changed rapidly regarding what utility companies can require a foreclosure lender to pay. I had a long discussion with one of the local title company managers recently and was shocked to learn we may not even be able to collect on the liens we currently have recorded. I'd like to discuss

this further with legal counsel and also consult my city managers email list serv to see how other cities are dealing with this problem.

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## **BUSINESS CODE PROPOSED CHANGES/CORRECTIONS**

### **Business License Code**

#### **Current Code reads:**

Section 4.110 Definitions

No current definition of FOR PROFIT

#### **Proposed correction/amendment:**

*(5) "For Profit" means the activities conducted are for personal benefit and not for charitable, religious, community, public, or non-profit 501c3 purposes. "For Profit" is not meant to imply or determine whether the business makes a gross or net profit.*

#### **Rational:**

We consistently have an issue with business owners disputing whether their business is "for profit" They say they aren't making a profit so they shouldn't be subject to the business license requirement. When we explain that "for profit" doesn't mean their gross/net profits it doesn't do a lot to convince them. It would be better if we could nail a definition.

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## **Transient Room Tax and Community Promotion Code**

### **Current Code Reads:**

#### **Section 4.245 Deficiency Determinations: Fraud or Evasion**

(1) Deficiency determinations. Deficiency determinations. If the Tax Administrator determines that the returns are correct he or she may compute and determine the amount required to be paid upon the facts contained in the return or returns or upon the basis of any information within or that may come into the Tax Administrator's possession. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 4.240.

#### **Proposed correction/amendment:**

(1) Deficiency determinations. ~~Deficiency determinations.~~ ~~Deficiency determinations.~~ If the Tax Administrator determines that the returns are ~~correct~~ *incorrect* he or she may compute and determine the amount required to be paid upon the facts contained in the return or returns or upon the basis of any information within or that may come into the Tax Administrator's possession. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 4.240.

**Rational:** Deficiency determinations is repeated. Correct should be INcorrect

**Current Code Reads:**

(1)(a) In making a determination the Tax Administrator may offset overpayments that have previously made for a period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in a manner set forth in Section 4.240.

**Proposed correction/amendment:**

(1)(a) In making a determination the Tax Administrator may offset overpayments that have previously made for a period or periods, ~~or~~ against penalties and interest on the underpayments. The interest on underpayments shall be computed in a manner set forth in Section 4.240.

**Rational:** the OR shouldn't be there. Legal counsel caught this.

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**Gold Beach Sign Code**

The Planning Commission worked for a long time on a revised sign code in the past few years. I gave the council a draft copy last summer (maybe fall?) Unfortunately I didn't follow-up. I will send the draft again with this packet so we can discuss it.

In the meantime, the issue of electronic motion signs (lighted LED billboards) has been brought up several times in the past few years. The current code has the following prohibition:

**Section 4.345 Prohibited Signs**

The following signs are prohibited:

- (1 ) Signs with strobe lights or flashing lights except time and temperature display;

The proposed sign code the Planning Commission worked on also prohibits LED lighted motion signs. The Council should decide how we wish to deal with these signs.

**ENFORCEMENT: We need to try and come up with a better enforcement process (I will review what the proposed sign code has). The current process is cumbersome and takes too long. I would also like to discuss sign removal—if we warn folks about temporary signs and they ignore us then we can pick the sign up and hold it for compliance.**

**Current Code Reads**

**4.550**            Enforcement - Notice and Opportunity to Comply.

(1)        The City Official or designee shall give written notice of any violation of this Code to the owner or lessee of the sign or property in question. The notice shall state the alleged violation and the relief sought.

(2)        The owner or lessee shall have ten days to execute and deliver to the City Official or designee an assurance of voluntary compliance. The assurance shall set forth what actions, if any, the owner or lessee intends to take with respect to the alleged violation. The assurance of voluntary compliance shall not be considered an admission of a violation for any purpose. If the City Official or designee is satisfied with the assurance of voluntary compliance, it may be submitted to the Municipal Court for approval and, if approved, shall be filed with the clerk of the court as an order of the court.

(3) The City Official or designee may reject any assurance:

(a) Which does not provide for correction of the violation or removal of the sign in a reasonable time and manner; or

(b) Which does not provide for restitution in specific amounts to the City or to any person in cases involving any ascertainable loss of money or property as a result of the alleged violation; or

(c) Which does not contain any provision, including but not limited to the keeping of records, which the City Official reasonably believes to be necessary to insure the continued cessation of the alleged violation.

(4) Willful violation of any of the terms of an assurance of voluntary compliance which has been approved and filed with the court shall constitute a contempt of court.

**4.460** Filing of Complaint; Temporary Restraining Order.

(1) After the expiration of ten days from the date of notice given under this Code, the City Official or designee may bring suit in the name of the City in the Municipal Court to restrain the violation, to seek a civil penalty, or both.

(2) If the City Official or designee alleges that he/she has reason to believe that the delay caused by complying with the notice provisions of section 4.455 of this Code would cause immediate harm to the public health, safety or welfare or to property, he/she may immediately institute a suit under subsection (1) of this section.

(3) A temporary restraining order may be granted without prior notice to the owner or lessee if the Municipal Court finds there is a threat of immediate and irreparable harm to the public health, safety or welfare or to property and demonstrates that reasonable efforts to give prior notice were unsuccessful. The court shall fix a time not to exceed ten days after which the temporary restraining order shall expire by its terms, unless within the time fixed, a hearing is held and, for good cause shown, the court extends the restraining order or provides for any other equitable relief.

**4.465** Enforcement - Remedial Power of the Court.

(1) The Municipal Court is empowered to hear and determine violations of this Code. In addition to any other penalty provided by law, the court is empowered to issue any injunction, order or judgment necessary to restore to any person any money or property of which he/she was deprived by any violation of this Code, or which is necessary to insure cessation of the violation.

(2) City may apply to any other court of competent jurisdiction to obtain any relief authorized by law to prohibit the continuation of any violation of this Code.

**4.470** Enforcement - Violation.

(1) Any person violating any of the provisions of this Code may be punished, upon conviction thereof, by a fine not to exceed \$300, or such other amount as the Gold Beach City

Council shall set from time to time by ordinance. A violation as to each individual sign occurring for one day shall be considered a separate violation.

(2) The conviction of any person for violation of any of the provisions of this Code shall not operate to relieve such person from paying any fee or damages or prevent City from taking other remedial action to ensure compliance with this Code.

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## **Social Gaming Code**

We discussed the Social Gaming Code earlier this year and decided to delete this chapter of the code.

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## **NUISANCE CODE**

### **5.235 Noxious Growths Prohibited**

This section is the “cut your lawn/weeds” section of the code. It is pretty comprehensive and allows us to lien properties for abatement costs the City incurs. Councilor Kaufman made the suggestion of having a “frequent flyer” section. Typically the properties we have problems with are the same ones every year. Should we discuss adding an additional provision for repeat offenders? I will discuss the option with legal counsel prior to the meeting and report to the Council.

### **Current Code Reads:**

#### **5.235 Noxious Growths Prohibited.**

- (1) No person in charge of real property shall allow noxious growths on the property. Noxious growths are hereby declared a nuisance.
- (2) It shall be the duty of any owner or person in charge of real property to abate noxious growths from said property. The person in charge shall be liable for the cost of the abatement as provided in this Code.
- (3) No person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of the person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a safety, health or fire hazard, or, in the case of weeds or other noxious vegetation from maturing or from going to seed.
- (4) Between February 1 and November 30 of each year, the City Administrator may cause to be published three (3) times in a newspaper of general circulation in the City a copy of Subsection (3) of this section as a notice to all owners of property of their duty to keep their property free from noxious vegetation. The notice shall state the City intends to abate all such reported nuisances ten (10) or more days after notifying the person in charge of the property and to charge the cost of doing so on any particular parcel of property to the person in charge of the property.

- (5) If the noxious growths have not been privately abated in accord with the published notice, the City may provide written notice to abate the nuisance in the manner provided by Section 5.285 of this Code. If the nuisance remains unabated ten (10) days after such notice is given, the City Administrator may cause the nuisance to be abated and assess costs therefore as provided in Section 5.305 of this Code. The City Administrator may enter upon the property at reasonable times for the purpose of investigating and abating conditions prohibited by this Code.
- (6) The procedure provided by this Code is not exclusive and is in addition to any other procedure authorized by the Gold Beach Code or ordinance and the City Administrator may abate noxious growths that are an imminent danger to human life or property within the City. The cost of abatement shall be assessed and collected as provided by this Code.
- (7) Each day's violation of a provision of this Section 5.235 shall constitute a separate offense. The abatement of a nuisance herein provided shall not constitute a penalty for a violation of this Code, but shall be in addition to any penalty imposed for a violation of this Code.

### **Gold Beach Zoning Ordinance**

The current zoning ordinance does not specify whether the keeping of bees is permitted or prohibited. Typically if the ordinance is silent on a matter we say the use is prohibited. We (staff) have been asked a lot in the past few years about bee keeping within the City. We are being asked enough that I think we should have a determination by the Council and put it into the definitions section of the zoning ordinance.

If someone owns 5 or more hives within the state they are required to register with the Department of Agriculture. I have included ORS Chapter 602 for you.

#### Chapter 602 — Bees 2013 EDITION

#### BEES ANIMALS

- 602.010 Definitions
- 602.020 Chief Apiary Inspector
- 602.090 Registration of bee colonies; fees; rules
- 602.180 Disposition of fees
- 602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules
- 602.990 Penalties

**602.010 Definitions.** As used in this chapter, the term:

(1) "Apiary" and "apiary property" includes bees, honey, beeswax, bee comb, hives, frames and other equipment, appliances and material used in connection with an apiary.

(2) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary.

(3) "Bees" means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

(4) "Colony" or "colonies of bees" refers to any hive occupied by bees.

(5) "Department" means the State Department of Agriculture.

(6) "Disease" means pests, disease or any condition affecting bees or their brood.

(7) "Hive" means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(8) "Location" means the premises upon which an apiary is located.

(9) "Person" includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of this chapter, in the regular course of business. [Amended by 1961 c.177 §1; 1963 c.65 §1; 1989 c.738 §5; 1993 c.350 §1]

**602.020 Chief Apiary Inspector.** The State Department of Agriculture is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to conduct service work requested by the apiary industry. The administration of the program shall be under the direction and control of the Director of Agriculture. The apiary industry shall pay service fees in amounts established by the department by rule to cover all expenses incurred in the conduct of the program. [Amended by 1961 c.177 §2; 1993 c.350 §2]

**602.030** [Amended by 1953 c.400 §7; 1981 c.164 §1; 1989 c.738 §6; repealed by 1993 c.350 §6]

**602.040** [Amended by 1953 c.400 §7; 1989 c.738 §7; repealed by 1993 c.350 §6]

**602.050** [Amended by 1989 c.738 §8; repealed by 1993 c.350 §6]

**602.060** [Amended by 1953 c.400 §7; 1961 c.177 §3; repealed by 1993 c.350 §6]

**602.070** [Amended by 1953 c.400 §7; repealed by 1993 c.350 §6]

**602.080** [Repealed by 1953 c.400 §7]

**602.081** [1961 c.177 §5; repealed by 1993 c.350 §6]

**602.083** [1967 c.123 §2; 1989 c.738 §9; repealed by 1993 c.350 §6]

**602.085** [1967 c.123 §4; 1989 c.738 §10; repealed by 1993 c.350 §6]

**602.087** [1967 c.123 §3; 1989 c.738 §11; repealed by 1993 c.350 §6]

**602.090 Registration of bee colonies; fees; rules.** (1) Every person who owns or is in charge of five or more colonies of bees located within this state, shall cause the colonies to be registered with the State Department of Agriculture as in this section provided.

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each colony of bees owned by the applicant, and shall give the locations of such colonies and the name, address and telephone number of the owner and the name, address and telephone number of the person in charge if the person in charge is not the owner. The registration shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address to which any notice required by this chapter to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact.

(3) The application for registration shall be accompanied by a fee not to exceed \$10. For each registration after July 1, the fee shall not exceed \$20. The department, by rule, shall establish the fees subject to be the maximum limits prescribed in this subsection.

(4) When the ownership of bees which have been subject to the charge provided in this section is changed, the department shall transfer the registration to the new owner without charges. However, if the bees have not been previously registered, the new owner shall pay the registration fee without penalty.

(5) The department shall maintain records of registered beekeepers and the number of colonies registered. [Amended by 1953 c.400 §7; 1961 c.177 §6; 1963 c.65 §2; 1989 c.354 §1; 1991 c.633 §1; 1993 c.350 §3]

**602.100** [Repealed by 1993 c.350 §6]

**602.110** [Repealed by 1993 c.350 §6]

**602.120** [Repealed by 1993 c.350 §6]

**602.130** [Repealed by 1993 c.350 §6]

**602.140** [Amended by 1991 c.249 §60; repealed by 1993 c.350 §6]

**602.150** [Repealed by 1993 c.350 §6]

**602.160** [Repealed by 1993 c.350 §6]

**602.170** [Repealed by 1993 c.350 §6]

**602.180 Disposition of fees.** The State Department of Agriculture shall deposit all fees paid to it under this chapter into the Department of Agriculture Service Fund. Such fees are continuously appropriated to the department for the purpose of administering and enforcing this chapter, including release and publication of information and material to better acquaint the bee industry with the law and regulations promulgated thereunder. [Amended by 1961 c.177 §7; 1979 c.499 §16]

**602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules.** In order to prevent and control apiary diseases, the State Department of Agriculture:

(1) May designate diseases and conditions which threaten the honey bee population in this state.

(2) May establish by rule treatment programs designed to eradicate or control the disease or condition.

(3) May establish rules regulating commercial facilities which render diseased wax. [1989 c.738 §2; 1993 c.350 §4; 1993 c.742 §63]

**602.200** [1989 c.738 §3; repealed by 1993 c.350 §6]

**602.210** [1963 c.65 §4; 1989 c.738 §12; repealed by 1993 c.350 §6]

**602.220** [1963 c.65 §5; 1989 c.738 §13; repealed by 1993 c.350 §6]

**602.230** [1963 c.65 §6; 1989 c.738 §14; repealed by 1993 c.350 §6]

**602.240** [1963 c.65 §7; repealed by 1993 c.350 §6]

**602.250** [1963 c.65 §8; repealed by 1993 c.350 §6]

**602.260** [1963 c.65 §9; repealed by 1993 c.350 §6]

**602.270** [1963 c.65 §10; repealed by 1993 c.350 §6]

**602.280** [1963 c.65 §11; 1967 c.637 §20; repealed by 1993 c.350 §6]

**602.300** [1989 c.61 §2; repealed by 1993 c.350 §6 and 1993 c.742 §62]

**602.900** [1989 c.738 §§4,17; 1991 c.734 §53; repealed by 1993 c.350 §6]

**602.990 Penalties.** Subject to ORS 153.022, violation of any of the provisions of ORS 602.090 or 602.190, or any rule adopted pursuant thereto, is a Class B misdemeanor. [Amended by 1993 c.350 §5; 1999 c.1051 §320; 2011 c.597 §245]

**FINANCIAL IMPACT:**

None at this time.

**DOCUMENTS ATTACHED:**

None at this time

**REQUESTED MOTION/ACTION:**

**Consider any prior changes/correction we may have discussed previously**

Council, Chief Andrews, PW Superintendent Will Newdall