



AGENDA
June 25, 2012, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time:** _____

1. The pledge of allegiance

2. Roll Call:

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

3. Special Orders of Business:

None scheduled

4. Consent Calendar

None Scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

Review and discuss proposed code revisions

7. Citizen Requested Agenda Items

- a. Initial Liquor License request: Chowder House Restaurant
- b. Request to serve alcohol during a function at the park
- c. Request for live music on 4th of July

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

None scheduled

10. Miscellaneous Items (including policy discussions and determinations)

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

11. City Administrator's Report

To be presented at meeting

12. Mayor and Council Member Comments

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

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next regularly scheduled meeting of the Gold Beach City Council is Monday, July 9, 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

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

PUBLIC HEARING

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 6.

Council Hearing Date: June 25, 2012

Department: Administration
& Finance

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

TITLE: Code amendments and revisions

SUMMARY AND BACKGROUND:

Over the past year or so minor code amendments or corrections have been noted. Staff has attempted to compile all the previously discussed amendments/revisions/deletions. A summary with the code indexes and the proposed revisions was prepared and is attached to this report. For the sake of brevity the entire code is not attached but is available upon request and will be posted online.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Summary of code proposed code revisions.
- City Code Penalties Chart
- June 1990 adopted policy regarding leak adjustments
- Section 226 City Policy Manual proposed revision

REQUESTED MOTION/ACTION:

Discussion and refinement of each item and draft approval/denial of each

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

SUMMARY OF PROPOSED CHANGES

The index of each code section are listed before each summary. Sections proposed for revisions are highlighted. After the summaries are the proposed code language changes. The entire code is not attached, but is available if needed for context.

ADMINISTRATION CODE INDEX

General

1.005 City Seal

1.010 Records

City Government

1.105 City Council

1.110 City Administrator

1.118 Authority of City Council when Position of City Administrator is Vacant.

1.120 City Planning Commission

1.125 Local Budget Committee

Elections

1.205 Election Precincts

1.210 Initiative and Referendum

Courts

1.305 Powers and Duties of Municipal Judge

1.310 Interpretation and Rules of Construction

1.315 Court Rules and Procedures

Personnel

1.405 Personnel Policies

1.410 Criminal Records Check Required for Applicants and Volunteers.

1.415 Criminal Records Check Procedures.

City Contracts

1.600 Contract Review Board and Contracting Agency

1.605 Opting Out of the Attorney General's Model Rules

1.610 Authority of the City Administrator

SUMMARY OF PROPOSED CHANGES

ADMINISTRATIVE CODE

Section 1.010 Records (2) Certificate of Authorization

DELETE

This section is obsolete.

Section 1.120 City Planning Commission (2) Appointment and Term of Office

REVISE

Define the term “resident” for the purposes of serving on a committee or commission.

Section 1.120 City Planning Commission (5) Vacancy and Removal

REVISE

Standardize vacancy and removal across all commissions and committees.

Section 1.120 City Planning Commission (7) Compensation

REVISE

Require prior approval of expenditures.

Section 1.120 City Planning Commission (9) Officers (a)

DELETE a portion

Setting of meetings redundant. Defined in subsection (10).

Section 1.125 Local Budget Committee (3) Vacancy and Removal

REVISE

Standardize vacancy and removal across all commissions and committees.

Section 1.125 Local Budget Committee (4) Compensation

REVISE

Require prior approval of expenditures.

Section 1.410 & 1.415 Criminal Records Check Procedures

DELETE

A confidential memo from Lauren will outline this section.

BOLD: indicates proposed new code language

~~STRIKETHROUGH: indicates language proposed to be deleted~~

The entire code is not listed but enough of the existing language was included to try and show context of the changes. The complete code is available on request.

General

1.005 City Seal

The following is adopted as the official seal of the City of Gold Beach and shall be used by imprinting upon all bonds and other obligations of the City of Gold Beach.

1.010 Records

(1) Record Retention Schedule. The schedules or record retention provided in OAR chapter 166, as authorized by ORS 192.105 and 357.895, govern the retention and disposal of all records on file in each department of the city.

~~(2) Certificate of Authorization. Records that have been retained beyond the retention period shall not be destroyed without prior written authorization. Written authorization shall be in the form of a resolution listing the items or groups of items to be destroyed, approved by the City Council, reviewed by the City Attorney and Department Head, signed by the Mayor and attested by the City Administrator. The approved resolution shall become authorization to destroy the described records.~~

1.120 City Planning Commission.

(1) Creation. A City Planning Commission consisting of five (5) members is hereby created.

(2) Appointment and Term of Office. The Mayor shall appoint the members of the Planning Commission with the approval of the City Council. The members of the Planning Commission shall meet all of the requirements of ORS 227.030 and at least four (4) of the members shall be residents of the city. One member may be selected from outside the city, but shall reside within the city urban growth boundary as that term is defined in the City Comprehensive Plan.

A person is a "Resident" of the City of Gold Beach for the purposes of serving on a City Commission or Committee if:

- a) Gold Beach is their domicile by means of living in this locality with the intent to make it a fixed and permanent home; and**
- b) Gold Beach is listed as their residence address for federal income tax purposes; and**
- c) The records of the Curry County Tax Assessor list Gold Beach as their mailing address; and**
- d) Gold Beach is listed as their residence address on their valid Oregon driver's license or state issued identification card.**

~~(5) Vacancy and Removal. Any member of the Planning Commission who is absent from three (3) consecutive regular Planning Commission meetings without just cause, or who engages in misconduct or nonperformance of duty, may be removed by the Mayor after hearing. The hearing shall be conducted by the Mayor at a special City Council meeting called for that purpose and the decision of the Mayor shall be final. Thereafter, the Mayor shall appoint, with the approval of the City Council, a replacement member to fill that position. All Planning Commission members shall notify the Planning Department Staff Person ten (10) days prior to any regular meeting, of an intended absence from that meeting. Failure to so notify may be cause for removal by the Mayor.~~

Planning Commission members serve at the pleasure of the Mayor and Council. Any member of the Planning Commission may be removed, with or without cause at any time,

by majority vote of all incumbent members of the Council. The action of the City Council in removing a member shall be final. Thereafter, the Mayor shall appoint, with the approval of the City Council, a replacement member to fill that position.

(7) Compensation. Members of the Planning Commission shall serve without compensation, ~~but shall be reimbursed for reasonable and necessary expenditures.~~ **Preauthorized, reasonable and necessary expenditures shall be reimbursed by the City.**

(9) Officers. The Planning Commission shall choose its own Chairman and Vice Chairman from its own members and each shall serve as long as the commission wishes. Planning Commission shall implement the duties outlined below.

(a) It shall be the duty of the Chairman to preside over all regular and special meetings of the commission, to sign any documents necessary and exercise the commission's powers. ~~and to call any special meeting that he may deem necessary, or as outlined herein.~~

(b) It shall be the duty of the Vice Chairman to exercise powers of the Chairman when the Chairman is absent.

(c) If the Chairman or Vice Chairman are both absent, a temporary Chairman shall be appointed by a majority of the members present, provided that a quorum is present.

(d) The Planning Staff shall keep written minutes and tape recordings of Planning Commission meetings.

1.125 Local Budget Committee

(1) Mayor. The Mayor shall participate in the budget process as an ex-officio member of the budget committee, but shall have no vote in the decisions of the budget committee.

(2) Membership, Appointment and Term of Office. The Budget Committee shall consist of the five (5) members of the City Council and five (5) additional members who shall be appointed by the City Council. The appointive members of the Budget Committee shall be electors of the City and shall not be officers, agents or employees of the City of Gold Beach. If less than five (5) electors are willing to serve, the City Council and any electors who are willing

to serve shall be the Budget Committee. If no electors are willing to serve, the City Council shall be the Budget Committee. Each City Council member shall serve as a Budget Committee member for his/her term of office. Each appointed elector shall serve a term of three (3) years which term shall be staggered so that approximately one-third (1/3) of the terms of the appointive members end each year.

(3) Vacancy and Removal. ~~If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the Mayor, with approval of the Council, shall fill the vacancy by appointment for the unexpired term.~~

Budget Committee members serve at the pleasure of the Mayor and Council. Any member of the Budget Committee may be removed, with or without cause at any time, by majority vote of all incumbent members of the Council. The action of the City Council in removing a member shall be final. Thereafter, the Mayor shall appoint, with the approval of the City Council, a replacement member to fill that position.

If the number of City Council members is reduced or increased by law or charter amendment, the City Council shall reduce or increase the number of appointive members of the Budget Committee so that the number thereof shall be equal to but not greater than the number of members of the City Council. In the event of a reduction, the City Council may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three equal or approximately equal groups as to terms. In the event of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three equal or approximately equal groups as to terms.

(4) Compensation. Members of the Budget Committee shall serve without compensation, ~~but shall be reimbursed for reasonable and necessary expenditures.~~
Preauthorized, reasonable and necessary expenditures shall be reimbursed by the City.

1.410 ~~—————~~ Criminal Records Check Required for Applicants and Volunteers.

(1) ~~—————~~ All applicants for employment and appointed volunteers with the City of Gold Beach will be required to authorize the City of Gold Beach Police Department to conduct a criminal offender information check through the Oregon State Police LEDS system for Oregon only.

1.415 ~~—————~~ Criminal Records Check Procedures.

(1) ~~—————~~ All records checks shall be conducted in accordance with ~~ORS 181.555 and OAR 257-10-025, which establishes procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS).~~

(2) ~~—————~~ The City Administrator, or his/her designee, will maintain the criminal history authorization forms and request that a criminal history check be made.

(3) — The Gold Beach Police Department will conduct the check on the prospective employee or volunteer and report to the City Administrator, or his/her designee, that the applicant's record indicates "no criminal record" or "criminal record".

(4) — If the applicant's record is reported as "criminal record", the City Administrator, or his/her designee, will in accordance with OAR 257-10-025(1)(c), request a written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. The City Administrator, or his/her designee, will make the written criminal history record available to the Mayor and City Council and/or selecting official(s) for their consideration in making the hiring decision.

(5) — The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-090 for a period of three (3) years and thereafter will be destroyed by shredding.

(6) — The criminal history record of applicants and volunteers with a criminal history who are hired or appointed will become a part of the confidential personnel file of that employee or volunteer. Access to confidential personnel files is limited to authorized persons who have an official need to access such files as sanctioned by law or regulation.

(7) — Applicants for employment or appointment as a volunteer who have a felony criminal history or a history of conviction of a misdemeanor involving moral turpitude or theft will be closely examined by the Mayor and City Council and/or selecting official(s) to determine if the applicant possesses the required degree of public trust and confidence. Each selection will, however, be made on an individual, case-by-case basis, taking into account the applicant's qualifications, the requirements of the particular job or volunteer post applied for, and the results of the criminal history check. Factors such as the age of the offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration shall be taken into account in evaluating a criminal history report.

(8) — Hiring an applicant or appointing a volunteer with a criminal history record, will require a positive recommendation by the Chief of Police and the approval of the City Administrator, or his/her designee, after full disclosure and consideration of the criminal history of the applicant.

LOCAL IMPROVEMENT CODE INDEX

General

2.005 Definitions

Public Improvements

- 2.105 Procedure for Making Public Improvements
- 2.110 Assessments

Streets

- 2.205 Standards and Specifications for Streets
- 2.206 Driveway Approaches
- 2.207 Street Lights
- 2.208 Streets
- 2.210 Regulation of Streets

Sidewalks

- 2.305 Construction, Alteration and Repair

Penalty

2.990 Penalty

**SUMMARY OF PROPOSED CHANGES
LOCAL IMPROVEMENT CODE**

Section 2.990 Penalty

REVISE

Standardize penalty language throughout code. A chart is attached showing the different penalty amounts throughout the code. Does the City want to adopt a standard penalty amount?

Local Improvement Code

2.990 Penalty.

Violation of this Code is punishable by a fine not to exceed \$300. Each day's violation of a provision of this Code shall constitute a separate offense. The Gold Beach City Council may amend the maximum penalty from time to time by resolution.

**UTILITY CODE
INDEX**

General

- 3.000 Code Provisions as Law
- 3.010 General Savings Provision
- 3.020 Continuity of Existing Provisions
- 3.030 Interpretation of Term "City Administrator"
- 3.040 Severability

Water Code

- 3.100 Water Code Definitions
- 3.110 Council to Have Charge of Water System
- 3.120 Council Powers and Authority
- 3.125 Council to Set Rates and Other Charges
- 3.130 Broken Meter Rates
- 3.135 Adjustments and Refunds Other Than Deposit
- 3.140 Deposit
- 3.145 Application for Connection of Water Service
- 3.150 Installation of Service
- 3.155 Services Outside the City
- 3.160 Access to Premises for Inspection
- 3.170 Charges for Turning Water On or Off at Water User's Request
- 3.180 Charges for Inspecting, Testing, Repairing and Altering Meters
- 3.190 Temporary Disconnect
- 3.200 Meter Reading and Billing
- 3.205 Water Charge Liens
- 3.210 Penalty on Delinquent Bills
- 3.215 Procedure for Disconnect for Non-payment or Other Violation; Appeal Procedure
- 3.220 Alternate Procedure for Disconnection of Rented Premises for Non-Payment
- 3.225 Procedure for Reconnection
- 3.230 Water Use by Applicant
- 3.235 Outside Connections
- 3.240 Leaking or Unused Services
- 3.245 Water System Shut Off; Responsibility
- 3.250 Damage through Pipe and Fixtures
- 3.255 Use of the City Water and Private Water
- 3.260 Establishing Procedures for Reconnection after Use of Private Water Supply
- 3.265 Operating Valves or Hydrants without Authority
- 3.270 Penalty for Turning On Water without Authority
- 3.280 Charges for Service Pipes Connected without Authority
- 3.300 Cross Connections Regulated
- 3.305 Backflow Prevention Assembly Requirement
- 3.310 Installation Requirements
- 3.315 Access to Premises
- 3.320 Testing and Repairs
- 3.325 Variances
- 3.330 Cost of Compliance
- 3.335 Termination of Service
- 3.350 Penalty

Sewer Code

- 3.400 Sewer Use and Charges
- 3.410 Definitions
- 3.415 Use of Public Sewers Required

- 3.420 Private Sewage Disposal
- 3.425 Building Sewers and Connections
- 3.430 Monthly Sewer User Fees
- 3.440 Temporary Termination of Sewer Service
- 3.445 Use of the Public Sewers
- 3.450 Protection from Damage
- 3.455 Powers and Authority of Inspectors
- 3.460 Procedure for Disconnection; Appeal Procedure; Penalties

Systems Development Charge Code

- 3.500 Findings
- 3.510 Policy Provisions
- 3.515 Definitions
- 3.520 Systems Development Charge Provided
- 3.525 Collection
- 3.530 Exemptions
- 3.535 Credits
- 3.540 Compliance with State Law
- 3.545 Appeals

Electric Service Code

- 3.600 Franchise Required

SUMMARY OF PROPOSED CHANGES

UTILITY CODE

Water Code

3.135 Adjustments and Refunds Other Than Deposit

DELETE or REVISE

An adopted City Policy outlines the water leak adjustment process. That policy should be incorporated into this section or the section could be deleted altogether.

Section 3.350 Penalty

REVISE

Standardize penalty language throughout code. A chart is attached showing the different penalty amounts throughout the code. Does the City want to adopt a standard penalty amount?

Sewer Code

3.445 Use of Public Sewers (6)

Paragraph on FOG. Lauren is working on a more comprehensive section to be added into the Sewer Code.

System Development Charge Code

3.525 Collection (3)

Revise interest rate charged by the City for SDC liens. It is currently 10%. In the 1990's this was reasonable, it's not any longer. Does the Council wish to revise the interest rate?

BOLD: indicates proposed new code language

STRIKETHROUGH: indicates language proposed to be deleted

The entire code is not listed but enough of the existing language was included to try and show context of the changes. The complete code is available on request.

Utility Code

Water Code

3.135 Adjustments and Refunds Other Than Deposit. Adjustments and refunds, other than deposit, of water bills or other charges may be made only upon motion by the Council.

Either delete this section or revise it to include the adopted policy on water leak adjustments.

3.350 Penalty. Any person, firm, or corporation who shall violate, fail, neglect, or refuse to comply with any of the provisions of this water code shall be guilty of a violation, and upon conviction thereof, shall be punished by a fine not to exceed \$300; and each day during which any violation hereof shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this Code. The maximum fine may be amended from time to time by resolution adopted by the Gold Beach City Council.

Utility Code

System Development Charge Code

3.525 Collection

(3) The owner of the parcel of land for which a Systems Development Charge is due may apply, upon forms provided by the City, for the voluntary imposition upon the parcel of a lien for the full amount of the Systems Development Charge and the payment of that lien in twenty (20) semi-annual installments plus interest. The burden of showing the identity of the owner of record or of the contract purchaser of record of the parcel shall be upon the applicant. Upon receipt of such an application, the City Administrator shall compute the amount of the Systems Development Charge and shall report to the City Recorder the amount of the charge, the date upon which that charge is due, the name of the owner of record or the purchaser of record, and the description of the property, and upon receiving that report the City Recorder shall docket the lien in the City's docket of liens and record it in the Curry County deed records, and from the time that docketing is completed, *the City shall have a lien upon that described land for the amount of the charge and interest upon that charge at the rate of ten (10) percent per annum.* That lien shall be enforced in

the manner provided in ORS chapter 223 and shall have priority over all other liens and encumbrances.

BUSINESS CODE INDEX

General

- 4.000 Code Provisions as Law
- 4.010 General Savings Provision
- 4.020 Continuity of Existing Provisions
- 4.030 Interpretation of Term "City Administrator"
- 4.040 Severability

Business License Code

- 4.100 Title
- 4.105 Purpose of Business License Code
- 4.110 Definitions
- 4.115 Requirement for License
- 4.120 Exclusions from Business License Requirement
- 4.125 Illegal Business or Profession
- 4.130 License Required for Each Business and Location
- 4.135 License Term, Transfer of License
- 4.140 Application for License
- 4.145 License Fee Schedule
- 4.150 Display of License
- 4.155 Examination of Business Premises
- 4.160 Regulation of Residential Sales
- 4.165 Penalties and Civil Remedies
- 4.170 Revocation of Licenses

Transient Room Tax and Community Promotion Code

- 4.200 Title
- 4.205 Definitions
- 4.210 Tax Imposed
- 4.215 Rules for Collection of Tax by Operator
- 4.220 Operator's Duties
- 4.225 Exemptions
- 4.230 Registration of Operator; Certificate of Authority
- 4.235 Due Date; Return and Payment
- 4.240 Penalties and Interest
- 4.245 Deficiency Determinations; Fraud or Evasion
- 4.250 Redeterminations
- 4.255 Security for Collection of Tax
- 4.260 Lien

- 4.265 Refunds
- 4.270 Purpose of and Distribution Formula for Transient Room Tax Receipts
- 4.275 Record Keeping and Inspection
- 4.280 Term, Powers and Duties of the Transient Lodging Tax Review and Expenditure Committee
- 4.285 Appeals to City Council
- 4.286 Severability
- 4.290 Violations
- 4.295 Penalties

Gold Beach Sign Code

- 4.300 Title
- 4.305 Purposes
- 4.310 Definitions
- 4.315 Permit Required
- 4.320 Other Permits
- 4.325 Application for Permit
- 4.330 Permit Fee
- 4.335 Permit and Fee Exceptions
- 4.340 Exempt Signs
- 4.345 Prohibited Signs
- 4.350 Nonconforming Signs
- 4.355 Maintenance of Signs
- 4.360 Inspections
- 4.365 Size and Spacing of Signs
- 4.370 Design and Construction
- 4.375 Projection and Clearance
- 4.380 Fin Signs
- 4.385 Pole Signs
- 4.390 Ground Signs
- 4.395 Roof Signs
- 4.400 Wall Signs
- 4.405 Projecting Signs
- 4.410 Combination Signs
- 4.415 Marquees
- 4.420 Electric Signs
- 4.425 Temporary Signs
- 4.430 Political Signs
- 4.435 Prohibited Conduct
- 4.440 Administration and Appeals
- 4.445 Sign Code Variance Procedures
- 4.550 Enforcement – Notice and Opportunity to Comply
- 4.460 Filing of Complaint; Temporary Restraining Order
- 4.465 Enforcement – Remedial Power of the Court
- 4.470 Enforcement – Violation

Vendor Assisted Tobacco Sales Code

- 4.500 Findings
- 4.505 Purpose
- 4.510 Definitions
- 4.515 Vendor Assisted Tobacco Sales Required
- 4.520 Exceptions
- 4.525 Non-Retaliation
- 4.530 Penalties

Social Gaming Code

- 4.600 Title
- 4.605 Gambling Prohibited
- 4.610 Definitions
- 4.620 License Required
- 4.625 Application for License
- 4.630 Consideration of Application
- 4.635 Issuance of License
- 4.640 Responsibility of Licensee
- 4.645 License Non-Transferable
- 4.650 License Fee, Duration and Renewal
- 4.655 Suspension and Revocation of License
- 4.660 Regulations
- 4.665 Penalties

**SUMMARY OF PROPOSED CHANGES
BUSINESS LICENSE CODE**

4.165 Penalties and Civil Remedies

REVISE

Standardize penalty language throughout code. A chart is attached showing the different penalty amounts throughout the code. Does the City want to adopt a standard penalty amount?

TRANSIENT ROOM TAX AND COMMUNITY PROMOTION CODE

4.225 Exemptions (3)

DELETE

Deleting exemption for private home, vacation cabin, condominium, or like if the rental is incidental to personal use. This has caused confusion in the past.

4.280 Term, Powers and Duties of the Transient Lodging Tax Review Committee (1)

REVISE

Revise membership makeup

(3) REVISE

Standardize vacancy and removal across all commissions and committees.

VENDOR ASSISTED TOBACCO SALES CODE

4.530 Penalties

SOCIAL GAMING CODE

4.665 Penalties

BOLD: indicates proposed new code language

~~STRIKETHROUGH: indicates language proposed to be deleted~~

The entire code is not listed but enough of the existing language was included to try and show context of the changes. The complete code is available on request.

Business License Code

4.165 Penalties and Civil Remedies.

Any person violating any of the provisions of the code shall, upon conviction thereof, be punished by a fine not to exceed \$500, or such other maximum amount as the Gold Beach City Council may set from time to time by ordinance.

Transient Room Tax and Community Promotion Code

4.225 Exemptions.

No tax imposed under this code shall be imposed upon any of the following:

- (1) Any occupant for more than thirty successive calendar days with respect to any rent imposed for the period commencing after the first thirty-days of such successive occupancy.
- (2) Any occupant whose rent is of value less than two dollars per day.
- (3) ~~Any person who rents a private home, vacation cabin, condominium, or like facility from any owner, where the owner who rents such facilities does this as an incidence to his own personal use thereof and is not engaged in a commercial operation of renting such condominiums or vacation cabin or private home~~
- (4) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for the aged people, or to a public institution owned and operated by a unit of the government.
- (5) Any person who rents a recreational vehicle space, mobile home space, or a motor home space, in any recreational park, mobile home park or motor home court or campground.

Term, Powers and Duties of the Transient Lodging Tax Review and Expenditure Committee.
Community Promotions Committee

(1) ~~The two members of said committee from applications received from the Gold Beach Chamber of Commerce shall have terms of four years each. Position number one shall be appointed on the even years and position number three shall be appointed on the odd years with the terms beginning on the first day of January. The two members of the committee from applications received from lodging establishment operators contributing to this fund shall have terms of four years each. Position number four shall be appointed on the even years and position number five shall be appointed on the odd years. Position number two of the committee shall be appointed on the even years from applications received from the community at large that are directly involved with the tourist industry. This position will be titled "member at large".~~

(1) **The Community Promotions Committee shall be a ten member commission made up of the following positions appointed by the City Council:**

Position #1: Gold Beach Chamber of Commerce; this member shall be nominated by the Chamber Board and recommended to the City Council, not merely a Chamber member.

Position #2: Sporting Industry; this member shall be from a business/group representing sporting goods, fishing or hunting guides, a professional organization of sporting businesses, or similar fishing/hunting/guiding group.

Position #3: Real Estate; this member shall be a person actively working in the real estate field in the Gold Beach.

Position #4: Restaurant: this member shall be from the Gold Beach restaurant industry and must be an owner or current employee of a restaurant or food service establishment.

Position #5: Hotel/Motel: this member shall be an owner or current employee of a hotel or motel within the city limits of Gold Beach.

Position #6: Port of Gold Beach: this member shall be a current Commissioner or employee of the Port of Gold Beach.

Position #7: General Retail: this member shall be an owner or employee of a general retail business in Gold Beach. General retail does not include hotel/motels, restaurants, gas stations, or other similar businesses that are not engaged in the retail sales of goods.

Position #8: Vacation Rental: this member shall be an owner or manager of a vacation rental in Gold Beach.

Position #9: At-Large: this member shall be a community member not otherwise listed above.

Position #10: Tax Administrator: the Tax Administrator shall be a non-voting member of the Committee but can take part in all committee discussions.

(2) Should any member resign or be removed as provided herein, the City Council shall appoint a replacement and said new member shall serve the remainder of the unexpired term.

~~(3) Any committee member may be removed from the committee for cause by majority vote of committee members and approval of the City Council.~~

(3) Community Promotions Committee members serve at the pleasure of the Mayor and Council. Any member of the Community Promotions Committee may be removed, with or without cause at any time, by majority vote of all incumbent members of the Council. The action of the City Council in removing a member shall be final. Thereafter, the Mayor shall appoint, with the approval of the City Council, a replacement member to fill that position.

(4) A quorum of ~~three~~ six members of the committee will be necessary to conduct business of the committee. The committee shall pick a Chair and Secretary who serve at the pleasure of the committee. The committee shall keep a record of its meetings and procedures. All minutes, records and files pertaining to actions of the committee shall be kept at City Hall. The committee shall hold ~~monthly~~ quarterly meetings at the Gold Beach City Hall. All committee meetings shall be open to the public. Committee members shall attend all regularly scheduled meetings. ~~The City Council may remove any committee member who misses in excess of two meetings per fiscal year.~~ Committee members shall not receive any compensation for their services on the committee.

(5) The role of committee is to ~~shall~~ formulate a long-range strategy and plan for community promotion and advertising for the greater Gold Beach area including, but not limited to, a comprehensive media campaign for such promotion. The Committee may retain services of an advertising agency to provide professional expertise. The Committee shall formulate a fiscal year budget from July 1 to June 30 each year for such expenditures.

(6) Through the City's budget development and adoption process, the City Council will set funding levels for expenditures from the Community Advertising and Promotion Fund. The Tax Administrator will approve all specific line-item expenditures from the Fund prior to expenses being incurred. Any expenditure decisions made by the committee in violation of this section shall be null and void and not the responsibility of the City.

4.295 Penalties.

Any person willfully violating any of the provisions of this code shall be guilty of a misdemeanor and may be punishable by a fine of not more than five hundred dollars (\$500.00). The maximum fine may be amended from time to time by ordinance of the Gold Beach City Council.

Vendor Assisted Tobacco Sales Code

4.530 Penalties.

Violation of this Code shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or such other maximum fine as the Gold Beach City Council shall set from time

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

Social Gaming Code

4.665 Penalties.

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

**NUISANCE AND OFFENSE CODE
INDEX**

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- 5.000 Code Provisions as Law
- 5.010 General Savings Provision
- 5.020 Continuity of Existing Provisions
- 5.030 Interpretation of Term "City Administrator"
- 5.040 Severability

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- 5.700 Park Rules and Regulations
- 5.705 Application for Written Permission
- 5.710 Authorization
- 5.715 Penalty
- 5.720 Separate Violations

SUMMARY OF PROPOSED CHANGES

Dog Control

5.050 Definitions

More clearly define "at-large"

Nuisance Code

5.315 Penalties

Dangerous Buildings

5.398 Penalty

Offense Code

5.435 Penalties

5.510 Unnecessary Noise

Discuss noise permit for events? Has been an issue.

5.575 Lodging (2)

DELETE

(2) seems to be a partial repeat of (1)

Parks

5.700 Park Rules and Regulations

REVISE

Add section about reservation of pavilion

BOLD: indicates proposed new code language

STRIKETHROUGH: indicates language proposed to be deleted

The entire code is not listed but enough of the existing language was included to try and show context of the changes. The complete code is available on request.

DOG CONTROL

5.050 Definitions.

- (1) The term "dog" as used in this Code shall mean male and female dogs, either sterilized or not, and whether licensed or not.
- (2) ~~As used in this Code, any dog shall be considered running at large when it is off or outside the premises belonging to the owner or keeper of such dog, and not in company of and under the control of its owner or keeper. A dog that is within a vehicle is not running at large.~~

Running at large definition: Off or outside the premises belonging to the person having the control, custody or possession of the dog while the dog is not under the complete control of such person by means of an adequate leash, or is within a vehicle of such person.

NUISANCE CODE

5.315 Penalties.

- (1) Except as otherwise provided herein, any person or persons who shall be convicted of being the creator or keeper of a nuisance, or otherwise guilty of a violation of any of the provisions of this Code shall be fined not more than \$500.00 for the first offense and all subsequent offenses.
- (2) In addition to the penalties provided by this section, the court may also impose a unitary assessment as provided by ORS 137.290.
- (3) The penalties provided in this section may be amended from time to time by ordinance .

OFFENSE CODE

5.435 Penalties.

Violation of any provision of this Offense Code is punishable by a fine not to exceed \$500.00 for the first and each subsequent violation provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law. The court may also impose a unitary assessment as provided by ORS 137.290. The municipal court judge, at his or her discretion, shall determine the amount of fine and any fees to be assessed in accordance with the provisions of this code. The maximum fine may be amended from time to time by ordinance adopted by the Gold Beach City Council.

5.510 Unnecessary Noise

PERMIT?

- (5) Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to a radio, drums and other musical instruments, phonograph, tape recorder, television set, loud speaker or other similar device so loudly as to disturb persons or normal sensitivities in the vicinity thereof.

PARKS

5.700 Park Rules and Regulations

- (1) (renumber) In general, park use is on a first come, first served basis. Pavilion use is by reservation only. A reservation to use the pavilion shall be made with the Park Superintendent through the Administrative Office at City Hall.**

5.715 Penalty.

- (1) Any person violating any of the provisions of this Section 5.700 of this Code shall, upon conviction thereof in the municipal court of the City of Gold Beach be punished by fine not to exceed five hundred dollars (\$500).
- (2) In addition to the above penalties, the court may also impose a unitary assessment as provided by ORS 137.290 and may order the offender to pay restitution.
- (3) The maximum fines may be amended from time to time by ordinance adopted by the Gold Beach City Council.

**TRAFFIC CODE
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- 6.010 General Savings Provision

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Penalties

- 6.900 Penalties

SUMMARY OF PROPOSED CHANGES

Parking Regulations

6.310 Prohibited Parking or Standing

Add section for vision clearance

Penalties

6.900 Penalties

Consistent with other sections.

BOLD: indicates proposed new code language

STRIKETHROUGH: indicates language proposed to be deleted

The entire code is not listed but enough of the existing language was included to try and show context of the changes. The complete code is available on request.

Parking Regulations

6.310 Prohibited Parking or Standing. In addition to complying with the motor vehicle laws of the State of Oregon prohibiting parking,

(1) No person shall park or stand:

(reletter)

(a) **A vehicle where it poses a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous, impairs the view of street signs, or in the opinion of the City Chief of Police is a traffic hazard based on sound principles of traffic management.**

(b) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials and in no case for a period in excess of thirty (30) consecutive minutes.

(c) A motor truck as defined by ORS 801.355 on a street between the hours of

9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

(d) A vehicle taller than five (5) feet in parking zones marked as restricted to vehicles over five (5) feet in height.

Penalties

6.900 Penalties.

- (1) Penalties for violations of provisions of state law shall be those penalties provided by state law.
- (2) Violation of Sections 6.200 through 6.240 and Section 6.320 is punishable by fine not to exceed \$100.00.
- (3) Violation of Sections 6.300, 6.310 and 6.330 through 6.370 is punishable by fine not to exceed \$50.00.
- (4) Violation of Section 6.400 is punishable by a time not to exceed \$50.00.
- (5) In addition to the above penalties, the court may also impose a unitary assessment as provided by ORS 137.290 and may order the offender to pay restitution.
- (6) The maximum penalties prescribed by this section may be revised from time to time by resolution of the Gold Beach City Council.

CITY CODE PENALTIES

CODE SECTION	MAXIMUM PENALTY
Local Improvement Code Section 2.990	Not to exceed \$300 each day separate offense
Utility Code-Water Section 3.350	Not to exceed \$300 each day separate offense
Business License Code Section 4.165	Not to exceed \$500
Transient Room Tax Code Section 4.295	Not to exceed \$500
Sign Code Section 4.470	Not to exceed \$300 each day separate offense
Vendor Assisted Tobacco Sales Section 4.530	Not to exceed \$250
Social Gaming Code Section 4.665	Not to exceed \$500
Nuisance-Dog Control Section 5.070	Not to exceed \$250 May impose unitary fine ORS 137.290
Nuisance Code Section 5.205-5.280 which includes: Animal Nuisance, Public Health, Public Safety, Attractive Nuisances, Snow & Ice, Noxious Growths, Scattered Rubbish, Trees, Fences, Surface water/drainage, Radio/TV interference, Junk, Soliciting, Container/Open Burning, Unenumerated Nuisances Penalties Section 5.315	Not to exceed \$500 for 1 st and \$500 for each subsequent May impose unitary fine ORS 137.290
Dangerous Buildings Section 5.398	Not to exceed \$500 for 1 st and \$500 for each subsequent Each day separate offense May impose unitary fine ORS 137.290
Offense Code Section 5.500-5.590 which includes: Disorderly Conduct at Fires, Unnecessary Noise, Discharge of Weapons, Violating Privacy of Another, Release of Child Confined in Vehicle, Place of Amusement, Poisoning of Animals, Police & Fire Communications, Obstruction of Building Entrances, Open Cellar Doors or Grates, Obstruction of Fire Hydrants, Vending Goods on Streets or Sidewalks, Begging, Lodging, Posted Notices, Hauling, Curfew	Not to exceed \$500 for 1 st and \$500 for each subsequent except if identical to a state statute lesser fine is imposed May impose unitary fine ORS 137.290

Parks Section 5.715	Not to exceed \$500 May impose unitary fine ORS 137.290
Traffic Code Section 6.900	State law violations subject to penalties provided by state law Section 6.200-6.240 (Crossing Private Property, Unlawful Riding, Skateboards & Sleds on Streets, Damaging Sidewalks & Curbs, Removing Glass & Debris) not to exceed \$100 Parking and Bicycles not to exceed \$50
Zoning Ordinance	Not to exceed \$300 each day separate offense

Approved June 1990

no resolution
no ordinance
6-1/90
Policy Book

RECOMMENDATION - LEAKAGE

- 1) Pass a City Ordinance
- 2) Authorize City Staff to handle all bill adjustment from leakage.
- 3) Define leak -
 - a) small leaks
 - b) excessive leaks (broken lines)
- 4) 50% credit on average (based on 6 months average) ←
from small leaks.
- 5) 75-100% credit on average (from excessive leaks) Broken Lines
- 6) No consideration of adjustment before leak is repaired and inspected.
- 7) No repair - shut off water after warning letters and 2 billings.
- 8) 100% credit on sewer bill if tied to sewer.

Councilor Mathison-I think we should grant a credit and Tor's recommendation seems to be reasonable. It doesn't actually cost the City that much money, so I don't feel we are giving money away.

Councilor Mathison moved to adopt Tor's (City Engineer) recommendation on leakage, using the 75% credit for excessive leaks, seconded by Councilor Thelin, Councilors Thelin and Mathison voted "AYE", Councilors Bellack and James voted "NAY". VOTE 2 AYES 2 NAYS, Mayor Schafer voted "AYE" to break the tie. Ending VOTE was 3 AYES 2 NAYS

Councilor Mathison moved to authorize Mr. Curtis to adjust these bills (Biggs & Lee) in line with our impending ordinance, seconded by Councilor Thelin, Councilors Mathison and Thelin voted "AYE". Councilors Bellack and James voted "NAY". VOTE 2 AYES 2 NAYS Mayor Schafer voted "AYE" to break the tie. Ending VOTE was 3 AYES 2 NAYS

226 Grievance Procedure

226.1 General Purpose and Scope

Any city employees may file a grievance for any decision regarding Employment Policies (Section 200), Compensation and Pay Administration (Section 212), Standards of Conduct/Discipline (Section 222), or Termination (Section 224) by following the procedures outlined below. Employees will not be subject to reprisal of any kind for using the grievance procedure.

226.2 Procedure

After attempting to resolve the dispute informally, the employee must present his or her grievance in writing to their department director (or city administrator in the case of a department director) within five (5) business days of the action or first knowledge of the action causing the grievance. The grievance must include a statement of all of the facts the employee feels are relevant, the nature of the complaint and the relief that the employee requests the city provide.

If not satisfied with the decision of the department director, within five (5) working days of receipt of the department director's decision, the employee may present the grievance in writing, along with the department director's written decision and other relevant materials, to the city administrator for formal action.

The city administrator will investigate the grievance. The investigation will be informal but thorough, affording all interested persons and their representatives an opportunity to submit evidence relevant to the grievance. The city administrator will strive to keep sensitive information confidential, but may not be able to promise complete confidentiality due to the need to properly investigate the issue. The city will not be liable for any expenses incurred by the employee for representation. The city administrator will render a decision in writing to the employee within ten (10) working days of receipt of the grievance. The decision of the city administrator is final.

~~If the grievance is against the city administrator, the grievance may be appealed to the Gold Beach City Council in writing within ten (10) days of the city administrator's decision. In this situation, the decision of the Gold Beach City Council is final.~~

Any grievance not taken to the next step of the grievance procedure within the time limits established under this section will be considered settled on the basis of the last decision made.

Time limits prescribed in this section for the initiation and completion of grievance process may be extended by written mutual consent of the parties involved.

CITIZEN REQUESTED AGENDA ITEMS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7. a.

Council Hearing Date: June 25, 2012

Department: Administration
& Finance

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

TITLE: Initial Liquor License request

SUMMARY AND BACKGROUND:

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

A new restaurant, The Chowder House, is requesting an initial OLCC license. The business is located in the former Spada's building next to Pacific Reef. They hope to be open before the end of the month.

The license request has been reviewed by the Police Department and has been approved for your review.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the OLCC permit request

REQUESTED MOTION/ACTION:

Approve/deny the request for the liquor license

Suggested Motion:

I move that the Council recommends to OLCC that the liquor license for the Chowder House be granted/denied.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

REC 5/21/12

1. Trade Name Chouder House 2. City Gold Beach, OR
 3. Name WAY Debra Kathleen
 (Last) (First) (Middle)
 4. Other names used (maiden, other) Freeman
 5. *SSN [REDACTED] 6. Place of Birth CA 7. DOB [REDACTED] 8. Sex M F
 (State or Country) (mm) (dd) (yyyy)

***SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (6 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Debra K. Way

9. Driver License or State ID # [REDACTED] 10. State OR
 11. Residence Address [REDACTED] Gold Beach OR 97444
 (number and street) (city) (state) (zip code)
 12. Mailing Address (if different) [REDACTED] Gold Beach OR 97444
 (number and street) (city) (state) (zip code)
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) [REDACTED]

15. Do you have a spouse or domestic partner? Yes No
 If yes, list his/her full name: Michael Dean Wolfe

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No (He works for Resort in Const & Maintenance)

17. List all states, other than Oregon, where you have lived during the past ten years:
N/A

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
 If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:		CITY AND COUNTY USE ONLY	
LICENSE TYPES <input checked="" type="checkbox"/> Full On-Premises Sales (\$402.60/yr) <input type="checkbox"/> Commercial Establishment <input type="checkbox"/> Caterer <input type="checkbox"/> Passenger Carrier <input type="checkbox"/> Other Public Location <input type="checkbox"/> Private Club <input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr) <input checked="" type="checkbox"/> Off-Premises Sales (\$100/yr) <input type="checkbox"/> with Fuel Pumps <input type="checkbox"/> Brewery Public House (\$252.60) <input type="checkbox"/> Winery (\$250/yr) <input type="checkbox"/> Other: _____		Date application received: _____ The City Council or County Commission: _____ (name of city or county) recommends that this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied By: _____ (signature) _____ (date) Name: _____ Title: _____	
90-DAY AUTHORITY <input type="checkbox"/> Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority		OLCC USE ONLY	
APPLYING AS: <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Individuals		Application Rec'd by: <u>[Signature]</u> Date: <u>5/16/12</u> 90-day authority: res <input checked="" type="checkbox"/> No	

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
 ① PACIFIC REEF CONDOMINIUMS, LLC ③ _____
 ② _____ ④ _____

2. Trade Name (dba): PACIFIC REEF RESORT

3. Business Location: 29362 ELLENSBURG HWY 101, GOLD BEACH, OREGON 97444
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 9950 SOUTH 300 WEST SANDY UTAH 84070
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (801) 417-9000 - COMPANY (800) 808-7263 - RESORT (801) 619-5219 FAX
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: N/A Type of License: N/A

8. Former Business Name: N/A

9. Will you have a manager? Yes No Name: DEBRA WAY
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? GOLD BEACH
(name of city or county)

11. Contact person for this application: DON GUBLER (801) 417-9000 EXT 237
(name) (phone number(s))
9950 SOUTH 300 WEST (801) 619-5219 dgubler@ugenius.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:
 ① [Signature] Date 7/28/11 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7. b.

Council Hearing Date: June 25, 2012

Department: Administration
& Finance

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

TITLE: Request to consume alcohol in the park

SUMMARY AND BACKGROUND:

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

A written request has been made by Deanna Hodney to allow the consumption of alcohol at a birthday party for her husband, Stan on July 7th. They have reserved the pavilion area for the daytime party.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the code section and the note from Mrs. Hodney

REQUESTED MOTION/ACTION:

Approve/deny the request to consume alcohol in the park

Suggested Motion:

I move that the Council approve/deny the Hodney request to consume alcohol in the park during a party July 7, 2012.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

- (c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside any tennis court area.
- (d) No dogs, or other animals shall be allowed inside a tennis court area.
- (e) Tennis courts within any city park are for the use of the public and no private or public lessons shall be given where a consideration is charged for the same without prior written permission of the City Council.
- (f) Any person wishing to schedule any type of organized tennis tournament, or other organized activity using the tennis courts, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. The Park Superintendent shall be authorized to schedule and regulate all organized activities involving the tennis court area.

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

- (a) Time limit for play shall be one (1) hour if other persons are waiting to make use of the facilities.
- (b) No glass bottles or other glass containers shall be brought or kept inside any Kid Castle area.
- (c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside the Kid Castle area.
- (d) No dogs, or other animals shall be allowed inside the Kid Castle area.
- (e) Kid Castle is located within a city park and is for the use of the public. No private or public lessons using Kid Castle shall be given where a consideration is charged for the same without prior written permission from the City Council.
- (f) Any person wishing to schedule any type of organized activity, using the Kid Castle facilities, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. Park Superintendent shall be authorized to schedule and regulate all organized activities involving the Kid Castle area.
- (g) Smoking. No smoking shall be permitted in the Kid Castle area at any time.
- (h) Smokeless Tobacco. Smokeless tobacco (such as chew) and spitting shall not be allowed in the Kid Castle area.



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

5.705 Application for Written Permission.

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

06-13-2012

We are having a 70th Birthday Celebration for Stan Hodney. We will be BBQing burgers & hot dogs & would like to have beer available in small quantities (Coke too^{oo})

P.S. Stop in and help us celebrate Stan!

Thank you
Deanna Hodney 247-7846

RECEIVED
JUN 13 2012
CITY OF GOLD BEACH

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7. c.

Council Hearing Date: June 25, 2012

Department: Administration
& Finance

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

TITLE: Request to allow live music on the 4th of July

SUMMARY AND BACKGROUND:

Breakfast at Tiffany's, a small diner located in the Rush building, is planning a 4th of July celebration on the lawn outside the building. They are requesting approval for live music between the hours of 4PM and 9PM that day.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- A copy of the written request from Tiffany's

REQUESTED MOTION/ACTION:

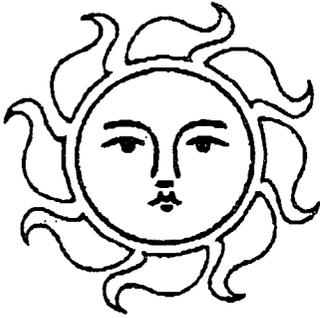
Approve/deny the request to allow the live music

Suggested Motion:

I move that the Council approve/deny the request by Breakfast at Tiffany's to allow live music between 4PM and 9PM on the 4th of July on the lawn outside the Rush Building.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



Breakfast at Tiffany's

PO Box 1713
29692 Ellensburg Ave.
Gold Beach, OR 97444
541-247-4606

June 21, 2012

Gold Beach City Council

We would like to hold a music and food event on the front lawn of the Gold Rush Center on July 4, 2012. The live music would begin approximately 4:00pm and end at 9:00pm, before the fireworks celebration. Although the city has a noise ordinance after 6:00pm, we feel this should not be a problem on the holiday—and the music is likely less noisy than the later fireworks! Therefore, we are requesting permission to exceed the 6:00pm noise limit for the one evening.

Additionally, we have received permission from the Oregon Liquor Control Commission (OLCC) for a small beer garden to operate under our current limited on-premises license. Attached you will find a sketch of the proposed layout of the event and the returned fax from the OLCC with their approval of the event.

Thank you for your consideration.

Sincerely,

Bernice Torrez
Co-owner

FAX TRANSMISSION

Oregon Liquor Control Commission

500 Central

P. O. Box 1176

Coos Bay, OR 97420

(541) 266-7601

FAX: (541) 266-7234

To: *Bernice*

Date: *6-21-12*

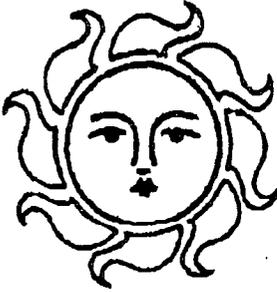
Fax #: *541-247-6966*

Pages: *3*

From: *Loni*

Subject: *4th of July Beer Garden*

Comments:



Breakfast at Tiffany's

PO Box 1713
29682 Edensburg Ave.
Gold Beach, OR 97444
541-247-4808

Fax to: Oregon Liquor Control Commission
541-288-7234

From: Bernice Torrez
Breakfast at Tiffany's

We would like to do a Fourth of July activity on the front lawn with live music, food, and to include a beer garden. Attached is a sketch of the proposed layout. The proposed beer garden area would be fenced off with orange lattice temporary fencing. You can see from the sketch that customers would have to enter and exit through the "hall" at the point of sale table. All personnel in the food /alcohol service booth are licensed servers and include the licensees. ID's will be checked at the point of sale and the persons exiting can be observed for potential carrying out of alcohol or attempting to pass alcohol over the fencing. The area is easily visible to the serving personnel. The beer garden area will be a square or rectangle measuring approximately 15 to 20 feet on each side.

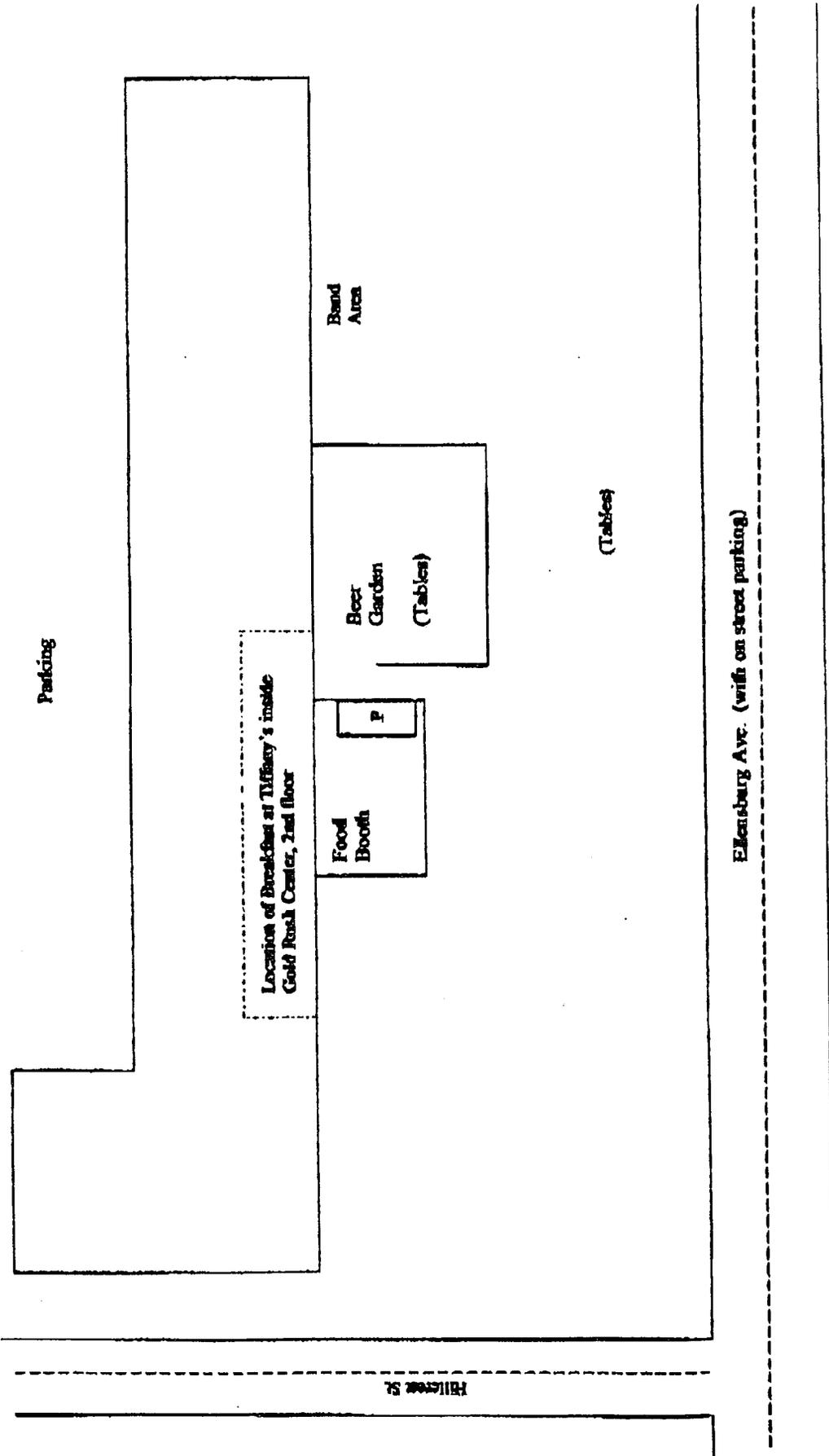
Please feel free to call me at 541-868-7012 if you require any further information.

Sincerely,

Bernice Torrez
Bernice Torrez
Breakfast at Tiffany's

When this request is approved, please initial here *Loni* and return by fax to 541-247-8888.

(Loni McCullough)



P = ID check and point of sale.

NOT TO SCALE