



MINUTES

August 13, 2012

CITY COUNCIL MEETING

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

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

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

3. ***Special Orders of Business:***
 WWTP update given as part of City Administrator’s report.

4. ***Consent Calendar***
None scheduled

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

6. ***Public Hearing***
 - a. ***Proposed city fee schedules***

Public hearing on the city fees opened at 6:35PM. City Administrator, Jodi Fritts said the current fees had been presented at the July meeting for review. CA Fritts made a department by department proposal for updating the fees. Fritts explained that anytime the City proposes to make changes to fees a public hearing is required. She said that any proposed changes would not be adopted at this meeting.

Councilor Tamie Kaufman had a question on background check fees to the City. Fritts said she would look into it. General discussion on background check for liquor licenses and social game licenses.

Councilor Kaufman said she was confused on the sign permit costs and process. Discussion on differing standards for sign types. Kaufman felt most costs were in staff review not necessarily the size of the sign. Currently cost is based on square footage. Kaufman asked if the applicants were also required to get a building permit—depends on size and type of sign. Kaufman asked how much a permit clearance (planning review) cost. CA Fritts said PC fee is currently \$100. Fritts explained that the applicant pays the PC fee and then the sign permit fee. Councilor Doug Brand asked if they also had to get electrical permits? If there is electric to the sign the applicants get an electrical permit from the state. Kaufman said they

may also have to have the sign engineered. Mayor James Wernicke noted the current and proposed fees were the same. He asked how long the current fees had been in effect. Fritts said from at least 2001. Fritts said the changes she had proposed were based on the amount of work/staff time required. Some current fees were reasonable while others were not. Kaufman asked for clarification on sign costs: PC fee and sign permit fee? Fritts said yes it was both. Kaufman thought it might be simpler to just pay one fee. Kaufman asked about code enforcement. General discussion on unpermitted signs and enforcement.

Councilor Kaufman asked about business license fees. Kaufman felt the rental license fees were confusing if the owner had more than one rental. General discussion on business licenses. CA Fritts said when code amendments are proposed that the business license code should be reviewed for simplification.

Regarding the research fee, Councilor Kaufman felt the staff research fee at \$26 an hour was low. CA Fritts said most information is readily available and there are few requests that truly involve research. Kaufman felt \$35 was more reasonable. General discussion on office staff research fee. Fritts said fee is dependent on the nature of the request.

The next discussion was water and sewer fees. Councilor Kaufman felt the chart was a little confusing. The proposal was to change deposit structure for one service (sewer or water) or both. Currently there is only one deposit structure. For services that have water only the monthly bills are lower. Kaufman proposed a tier deposit structure. General discussion on tiered deposits: water/sewer: \$200, water only: \$100, sewer only: \$150.

General discussion on planning rates. CA Fritts said she felt the current fees are reasonable based on time of work involved and number of applications.

CA Fritts said she felt all the City fees should be reviewed at least every other year rather than waiting as long as the City has in the past. General discussion about review times.

Discussion on Municipal Court fees. CA Fritts explained the proposed fine schedule is for crime deterrent and is not punitive and that the fees should not be viewed solely as a source of revenue. Fritts said she had spoken with legal counsel about the proposed fine schedule. Some proposed fines are subject to state law so we are not able to charge in excess of those. General discussion on muni fines and enforcement. Fritts gave a brief history and the recent state fine changes and why the City is proposing our own bail schedule. The City of Eugene's fine schedule was reviewed for a beginning discussion point. Fritts said the Municipal Judge had proposed an increased bail of \$90 on each offense. Fritts said she felt that the City should just try and recoup the \$60 lost from last year. Again, the fees are a crime deterrent and not revenue generation. General discussion on traffic offenses and traffic crimes. Fritts said she and legal counsel would present a City specific proposed schedule at the next meeting. Public hearing on fines ended at 7:10PM

b. *Attorney reviewed code revisions: Administration, Business, Nuisance and Offense*
Public hearing on code revisions opened at 7:10PM CA Fritts explained this review was not the entire City Code but sections of it. Legal counsel had reviewed the sections presented.

Fritts pointed a few changes that were in the agenda report based on the legal review.

Proposed changes:

- The intent was to standardize the vacancy and removal process across all the committees and commissions, state ORS regulates the appointment and removal of Planning Commission and Budget Committee members. There is also a proposed change to the planning commission removal process.
- Legal Counsel suggested the Council adopt a policy for reimbursement of expenses to committee/commission members.
- There are 3 of the 5 Promotion Committee positions expiring on December 31st. Fritts proposed to revisit the committee structure in January.
- Slight changes were made to the Nuisance and Offense code penalty sections due to changes in state law.

General discussion about legal counsel changes and review of the compiled changes from previous meetings. Public hearing closed at 7:35PM.

7. Citizen Requested Agenda Items

a. Request for zoning code change to allow chickens in the city limits: Candace Callen
Citizen Candace Callen who lives on Park Drive asked to be allowed to address the Council regarding making a zoning code change to allow for chickens within the City limits. Callen made her case for allowing chickens—but not roosters within the City limits. Callen presented the Salem code regarding chickens for the Council to review. General discussion on the Salem code and samples from other cities.

Councilor Brand felt if the City made the rules comprehensive upfront it would help down the road. Councilor Kaufman asked if Callen was proposing chickens in all zones? Callen said she would like to see them permitted in all zones. Councilor Larry Brennan noted that the sample ordinances seemed to be limited to residential areas. CA Fritts pointed out that a large portion of land used residentially is actually zoned Commercial. Brennan said the proposal could limit it to properties developed for residential uses. Mayor Wernicke asked if the Council was favorable to the proposal. Brennan said he was for the use. Kaufman said this was a very different discussion than the planning commission had a few years yearly. Fritts said she thought it was 2007 or 2008. The commission at that time recommended no chickens within the city limits due to concerns about already problem predators such as bears and cougars. General discussion on farm use within city limits. Benefits and problems.

MOTION: Councilor Larry Brennan made a motion to direct staff to prepare an amendment to the zoning code to allow chickens within the City limits. Councilor Brice Gregory seconded the motion.

Mayor James Wernicke asked if there was any further discussion or debate. Councilor Brand asked if there would be further review the of regulations following the amendment. Yes, permitting would be discussed. Councilor Kaufman asked if procedurally the Planning Commission needed to hear the request and make a recommendation to the Council. CA Fritts said the Council has the authority to initiate amendments on their own motion.

No further discussion. Mayor Wernicke called for the vote.

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

b. Noise Complaint: Ginny Martin

Ginny Martin submitted a letter regarding a noise complaint about a revival concert “Streets of Gold” recently held at the high school. In her letter she inquired as to whether the City had a noise ordinance. She was complaining about the length of the concert and the volume. CA Fritts said she had emailed Ms. Martin and tried to address her concerns. Fritts said she would be in favor of a variance process rather than a permit process. General discussion about noise events and the difficulty in regulating noise. Discussion about possible changing the hours of permissible noise. Councilor Kaufman felt the number of complaints vs staff time to do something different was not worth it. Police Chief Dixon Andrews said they had no issues with the event and no complaints.

c. Water Meter at Community Garden

Tim Scullen from the Community Garden group gave a brief history on the garden. The garden group was approached by the Presbyterian Church to locate the garden on their property. Scullen said watering the garden is difficult because of the distance from the church. Scullen said the garden is in a highly visible location and he hopes to get more folks involved. The garden group has requested an abandoned meter be put back in so that the garden could utilize it. CA Fritts pointed out that the establishment of a community garden is one of the City Goals. Fritts said if the garden was located at the park the City would be paying for the water so she felt there was no difference.

MOTION: Councilor Brice Gregory made the motion to approve the community garden request for a water meter and water at the garden on Hillcrest Street. Councilor Larry Brennan seconded the motion.

Mayor James Wernicke asked if there was any further discussion or debate. Hearing none he called for the vote.

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

8. **Public Contracts and Purchasing**

None scheduled

9. **Ordinances & Resolutions**

Resolution R1213-01 Accepting annual DLCD CZM grant

Annual grant funding from the Department of Land Conservation and Development in support of the City's coastal planning program.

MOTION: Councilor Tamie Kaufman made the motion to approve resolution R1213-01, a resolution accepting grant funding from the Oregon Department of Land Conservation and Development to support planning services. Councilor Brice Gregory seconded the motion.

Mayor James Wernicke asked if there was any further discussion or debate. Hearing none he called for the vote.

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

10. **Miscellaneous Items (including policy discussions and determinations)**

None scheduled

11. **City Administrator's Report**

City Administrator Jodi Fritts gave her monthly report which is attached to these minutes.

12. **Mayor and Council Member Comments**

a. Mayor James Wernicke: Felt the Fair was a great success. National Night Out at the Park was great. The Mayor read an appreciation letter from a visitor regarding Chief Andrews and Officer Chris Kinney. The visitor said they had had a vehicle fire and the police officers were very helpful.

b. Councilors

1) Jeff Crook: Sorry he missed National Night Out. Thanks to the PD for their hard work.

2) Larry Brennan

3) Brice Gregory

4) Doug Brand: Thank you to the Chief for coordinating security at the Fair.

5) Tamie Kaufman: Very happy with how the City is running.

c. Student Liaison, vacant

13. **Citizens Comments**

None presented.

14. **Executive Session**

None scheduled

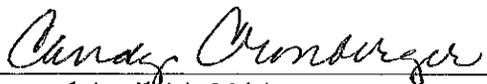
The next scheduled meeting of the Gold Beach City Council was scheduled for Monday, September 10, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

MOTION: Councilor Jeff Crook made the motion to adjourn. Councilor Larry Brennan seconded.

Mayor James Wernicke asked if there was any further discussion or debate. Hearing none he called for the vote.

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

15. Adjourn Time: 8:23



Approved April 14, 2014
Candy Cronberger, City Recorder

ATTACHMENT TO THE MINUTES FOR
AUGUST 13, 2012

ORIGINAL COUNCIL AGENDA PACKET



AGENDA
August 13, 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 Vacant		

3. Special Orders of Business:

WWTP update from PW Superintendent, Will Newdall

4. Consent Calendar

None scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

- a. Proposed city fee schedules
- b. Attorney reviewed code revisions: Administration, Business, Nuisance and Offense

7. Citizen Requested Agenda Items

- a. Request for zoning code change to allow chickens in the city limits: Candace Callen
- b. Noise Complaint: Ginny Martin
- c. Water Meter at Community Garden

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

Resolution R1213-01 Accepting annual DLCD CZM grant

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)**
None scheduled
11. **City Administrator's Report**
Will be presented at meeting
12. **Mayor and Council Member Comments**
 - a. Mayor James Wernicke
 - b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Lyndsey Dixon
13. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting
14. **Executive Session**
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, September 10, 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

AGENDA ITEM 6.

PUBLIC HEARING

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **6 a.**

Council Hearing Date: August 13, 2012

Department: All Departments

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Review City Fee Schedules

SUMMARY AND BACKGROUND:

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

THIS REPORT: I have put together a proposed fee schedule for each department. Most fees are not proposed for a change—even though it has been at least 10 years. They still seem reasonable but you should review them to see if you concur. Other fees are proposed to be discontinued.

MUNI COURT FINES: As we have discussed previously, in January the state changed the fee structure for traffic offenses. \$60 of every ticket must now be remitted to the state. As a result of this change, we discussed adopting our own fee structure. Attached to this report is the state fee schedule.

We have the ability to change their presumptive fine (formerly called the “base fine”) however, we can’t charge more than their maximum fine. The City of Eugene has adopted their own traffic offense fee structure for their municipal court. It’s very comprehensive. What I would like to propose is that we adopt a schedule identical to Eugene’s except for our presumptive fines. Below are three possible fee structures—most of the offenses on the list are Class A-D violations. Keep in mind the purpose of the muni court is to deter traffic crime not to make \$\$\$. My first choice would be to adopt the \$60 recoup figures, my second would be the Eugene fees.

STATE PRESUMPTIVE	Eugene	Judge Proposed GB	\$60 recoup
Class A Violation	\$435	\$525	\$495
Class B	\$260	\$350	\$320
Class C (most)	\$160	\$250	\$220
Class D	\$110	\$200	\$170

FINANCIAL IMPACT:

Return our retained fine portion back to pre-January level. Depending on number of tickets written for FY12-13 it could be significant.

DOCUMENTS ATTACHED:

- Proposed City Department Fee Schedule
- State Traffic Fine Schedule and City of Eugene Fine Schedule

REQUESTED MOTION/ACTION:

Revise/change/delete/concur with proposed fee schedules. Direct staff to prepare a fee schedule resolution for September meeting.

COPY OF REPORT SENT TO:

Council, Superintendent Newdall, Chief Andrews, Chief Floyd, Judge Fallman

CITY DEPARTMENT FEE SCHEDULES

PROPOSED FY2012-2013

FEE SCHEDULE

LICENSES & PERMITS	CURRENT FEE	PROPOSED FEE
SOCIAL GAMING LICENSE	\$300	
Social Gaming License: Initial		\$300
Social Gaming License: Renewal		\$100
SIGN PERMIT	MINIMUM \$50 UP TO 25 SQ FT \$0.75 PER SQ FT AFTER	MINIMUM \$50 UP TO 25 SQ FT \$0.75 PER SQ FT AFTER
SIGN VARIANCE	\$150	\$150
BUSINESS LICENSE: BASIC	\$75	\$85
BUSINESS LICENSE: RESIDENTIAL/COMMERCIAL LESSORS	\$75 FOR UP TO 3 UNITS \$3 EACH ADDITIONAL UNIT	\$85 FOR UP TO 3 UNITS \$3 EACH ADDITIONAL UNIT
BUSINESS LICENSE: CARNIVAL	\$75	\$75
AMUSEMENT MACHINE	\$50 PER MACHINE	\$50 PER MACHINE
VENDING MACHINE	\$10 PER MACHINE	\$10 PER MACHINE
LIQUOR LICENSE: INITIAL	\$100	\$100
LIQUOR LICENSE: CHANGE	\$75	\$75
LIQUOR LICENSE: RENEWAL OR TEMP	\$35	\$35
ADMINISTRATIVE FEES	CURRENT FEE	PROPOSED FEE
CANDIDACY FILING FEE	\$50	\$50
COPY FEE	0.25 PER PAGE	0.25 PER PAGE
RESEARCH FEE OVER 15 MINUTES	\$26 PER HR	\$26 PER HR
COPIES OF REPORTS (????)	\$20 UP TO 5 PAGES THEN \$1 PER PAGE	Public Records Request (see next page)
FILING/RECORDING AT COUNTY CLERK	ACTUAL COST	ACTUAL COST
NSF FEE	\$30	\$30
COPY OF AUDIO RECORDING	\$15	\$15
COPY OF VIDEO RECORDING	\$25	discontinue
LIEN SEARCH	\$15	Public Records Request
LIEN FILING AND SATISFACTION	ACTUAL FILING COST + \$20	ACTUAL FILING COST + \$20
FAX or scan	\$3	\$3
LIST OF BUSINESS LICENSE HOLDERS	\$15 + 0.25 PER PAGE	Public Records Request subject to RED FLAG regulations
BUSINESS LICENSE HOLDERS ON LABELS	\$20 + \$1 PER LABEL PAGE	discontinue

HOW TO REQUEST A PUBLIC RECORD FROM THE CITY OF GOLD BEACH

PROCEDURE

1. Submit a completed Public Record Request Form
2. City staff will respond the Record Request within five (5) business days. The response will acknowledge the request, include an estimate of the expected cost of meeting the request, and the approximate date at which the information will be provided.
3. City staff will locate and assemble the requested records(s), eliminating any record(s) exempt from disclosure. The City will calculate actual search time and reproduction costs and notify requestor of the balance due (if any).
4. Requestor submits balance due (if any).
5. The record(s) are released to requestor via their indicated preferred method of delivery.

City of Gold Beach Record Fees

Unless otherwise provided by statute or administrative rule, the fees shall be calculated as follows:

- Labor charge: \$25 per hour (includes researching, locating, compiling, or otherwise processing the record(s)).
- Copies: 25 cents per page
- Electronic copy by disc: \$5 per disc
- Copy certification: \$5
- Actual cost for use of material and equipment for producing copies of nonstandard records
- Actual delivery costs: postage, FEDEX, UPS, etc
- Actual cost of time spent by attorney reviewing the public records, redacting material or segregating the material into exempt and non-exempt records
- The City may charge for search time even if the custodian of the record fails to locate any record(s) in response to the request, or if the record(s) located are subsequently determined to be exempt from disclosure.

General Information:

As described in Oregon Revised Statutes 192.420:

192.420 Right to inspect public records; notice to public body attorney. (1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.

Pursuant to ORS 192.440 (4)(a) the City may charge reasonably calculated fees to cover the cost of providing the record(s) you have requested.

(4)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.410 to 192.505.

(c) The public body may not establish a fee greater than \$25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available.

In addition, ORS 192.440 (7)(a)(b) states:

(7) A public body shall make available to the public a written procedure for making public record requests that includes:

- (a) The name of one or more persons to whom public record requests may be sent, with addresses; and
- (b) The amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.



PUBLIC RECORD REQUEST

Please complete this form to request a public record.

Please read the request procedure on the back prior to submitting your request.

REQUESTOR INFORMATION

Requestor Name:
Phone: / Email:
Mailing Address:

RECORDS REQUESTED

Describe the records you are requesting. Please be as specific as possible and include enough detail to assist staff in locating the correct record(s).

Description of record(s) requested:

RECEIVING RECORD(S) & CERTIFICATION

Please specify the desired delivery date, the preferred method of delivery, and whether you require the record(s) to be certified.

- I would like to receive the record(s) no later than: _____ date
- I would like the record(s) certified
- I prefer to receive the record(s) by: postal mail at the address above
 email to the address above
 I'll pick it up

REQUESTOR SIGNATURE

I submitted this record(s) request on the following date: _____

Written name and signature of requestor

For Office Use Only

Received:

Completed:

**PROPOSED FY2012-2013
FEE SCHEDULE**

UTILITY RELATED FEES	CURRENT FEE	PROPOSED FEE
*Monthly water/sewer utility rates set by separate resolution		
RESIDENTIAL WATER DEPOSIT	\$200	discontinue
Inside City Limits Water/Sewer Deposit		\$200
Outside City Limits Water Deposit		\$100
COMMERCIAL WATER DEPOSIT	TOTAL OF 2 HIGHEST UTILITY BILLS OR \$200 WHICHEVER IS GREATER	TOTAL OF 2 HIGHEST UTILITY BILLS OR \$200 WHICHEVER IS GREATER
METER ACCURACY TEST AT CUSTOMERS REQUEST	ACTUAL COST OF TEST + 1 HR LABOR	ACTUAL COST OF TEST + 1 HR LABOR (see PW fees)
TEMPORARY CONNECT/DISCONNECT AT CUSTOMERS REQUEST	\$30	2 per year no cost, additional \$30 each visit
WEEKEND/HOLIDAY/AFTER HOURS TEMPORARY CONNECT/DISCONNECT AT CUSTOMERS REQUEST	\$80	Billed at PW Labor Charge
CHECK WATER METER AT CUSTOMERS REQUEST	\$20	2 per year no cost, additional \$20 each visit
MOVING/ALTERING METER AT CUSTOMERS REQUEST	ACTUAL MATERIAL COSTS+ LISTED EQUIPMENT AND LABOR COSTS	ACTUAL MATERIAL COSTS+ PW EQUIPMENT AND LABOR COSTS
DAMAGE TO WATER SERVICE	DIRECT & INDIRECT COSTS	Actual cost of repair and PW Labor
DELIQUENT UTILITY BILL FEE	10%	10%
DISCONNECT/CONNECT DUE TO DELINQUENCY	\$30	\$30
DISCONNECT/CONNECT DUE TO DELINQUENCY AFTER HOURS/HOLIDAYS/WEEKEND	\$80	Billed at PW Labor Charge
SHUT OFF FLAG NOTICE FOR DELINQUENCY	\$25	\$25
TURNING WATER OFF/ON WITHOUT AUTHORITY	\$75	\$75
WATER HYDRANT STAND-BY FEE	\$25 PER MONTH	discontinue

PROPOSED FY2012-2013

FEE SCHEDULE

PUBLIC WORKS RELATED FEES	CURRENT FEE	PROPOSED FEE
ISSUE NEW ADDRESS W/PLATE	\$75	\$75
REPLACEMENT ADDRESS PLATE	\$25	\$25
PW LABOR	CURRENT WAGE + BENEFITS + 15%	CURRENT WAGE + BENEFITS + 15%
TV SEWER LINES	\$80 PER HR + LABOR FOR 2	\$100 PER HR + LABOR FOR 2
PICKUP W/OPERATOR	\$40 PER HR + LABOR	\$50 PER HR + LABOR
BACKHOE W/OPERATOR	\$145 PER HR + LABOR	\$200 PER HR + LABOR
SEWER SLUDGE TRUCK W/OPERATOR	\$145 PER HR + LABOR	\$200 PER HR + LABOR
BRUSH CUTTER W/OPERATOR	\$140 PER HR + LABOR	\$175 PER HR + LABOR
TAPPING MACHINE W/OPERATOR	\$400 PER HR + LABOR	\$450 PER HR + LABOR
SEWER CLEANER W/OPERATOR	\$225 PER HR + LABOR	\$250 PER HR + LABOR
DUMP TRUCK W/OPERATOR	\$140 PER HR + LABOR	\$175 PER HR + LABOR
STREET SWEEPER W/OPERATOR	\$200 PER HR + LABOR	\$250 PER HR + LABOR
COMPACTOR W/OPERATOR	\$40 PER HR + LABOR	\$50 PER HR + LABOR
BRUSH CHIPPER W/OPERATOR	\$125 PER HR + LABOR	\$175 PER HR + LABOR
LABOR CHARGES	\$40 PER HR	CURRENT WAGE + BENEFITS + 15%
ALL SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, LABOR SUBJECT TO OVERHEAD	0	
Any supplies, materials, equipment rental, etc. purchased by City to complete proposed work		Actual Cost

SDC FEES		
WATER: 3/4 METER	\$2753 MINIMUM + ANY EXTRAS	we should revisit based on engineers recommendation
SEWER: 1 ERU	\$4398 MINIMUM + ANY EXTRAS	we should revisit based on engineers recommendation
STREETS	\$1,232	? Not sure when this collected? Need to clarify

**PROPOSED FY2012-2013
FEE SCHEDULE**

PUBLIC SAFETY	CURRENT FEE	PROPOSED FEE
NUISANCE ABATEMENT	ACTUAL COST + \$75 ADMIN FEE	ACTUAL COST + \$75 ADMIN FEE
EXCESSIVE FALSE ALARMS (SEE PACKET FOR EXPLANATION)		
Errors by employees or other person		3 per calendar year then \$125 per each call out
Mechanical errors		3 per calendar year then \$125 per each call out
Towing Fee	\$ 100.00	Actual cost of towing plus \$25 admin fee
FIRE CHARGES OUTSIDE OF DISTRICT		
FIRST PUMPER	\$350 PER HR	\$400 per hour
SECOND PUMPER	\$300 PER HR	\$350 per hour
MANPOWER	\$40 PER HR PER PERSON	\$50 per hr per person
MATERIALS (FOAM ETC)	ACTUAL COST	ACTUAL COST
NOTES: MINIMUM 1 HR BILLED THEN 1/2 INCREMENTS. TIME ENDS WHEN ENGINE AND CREW RETURN TO STATION. CHARGES APPLY TO IN DISTRICT TO CONTROLLED BURNS THAT GET OUT OF CONTROL WITH OR WITHOUT A BURN PERMIT		
JAWS OF LIFE	NO CHARGE	No Charge
MUNI COURT ADMINISTRATIVE		
Fee for sending to collections agency	\$15	25% of outstanding amount per ORS 137.118
Administrative fee for payment plan	\$0	\$25
License suspension fee required by ORS 809.267	\$0	\$15

**PROPOSED FY2012-2013
FEE SCHEDULE**

VISITOR CENTER	CURRENT FEE	PROPOSED FEE
Packet Program		\$0.18 per request
Videos		\$5

PLANNING FEES	CURRENT FEE	PROPOSED FEE
Planning Commission Decision	\$600	\$600
Conditional Use Permit	\$600	\$600
Floodplain Development Permit	\$600	\$600
Variance	\$600	\$600
Administrative Decision by Planning Director	\$425	\$425
AD/CUP Permit Renewal	\$200	\$200
Subdivision	\$1,550	\$1,550
Partition	\$1,000	\$1,000
Lot Line Adjustment	\$500	\$500
Other Land Use Decisions		
Building Permit or Sign Permit Review	\$100	\$100
Zone Change	\$1,800	\$1,800
Appeal of Planning Commission or Director Decision	Cost of original application	Cost of original application

**MUNI COURT
PROPOSED FINE
SCHEDULE**

ABOUT THE SCHEDULE

Effective Date: Oregon Laws 2011, chapter 597 (HB 2712), eliminated the complex structure of calculated "base fines" on violations in favor of explicit "presumptive fines" for classified violations and many unclassified "specific fine violations." The law also set new minimum and maximum fines on violations. The new presumptive fines and minimum and maximum fine amounts apply to offenses committed on or after January 1, 2012.

Effective January 1, 2012, this "schedule of fines" (SOF-12) supersedes MBFS-11 and all previous fine schedules and summaries for violations committed on or after that date.

Purposes: The Office of the State Court Administrator is publishing SOF-12 as a helpful guide for courts and law enforcement. The schedule is not a substitute for reading the actual law. The legislature may adopt changes in 2012 to clarify some provisions passed in 2011; we will update this schedule as needed.

SOF-12 provides summarized information on

- the amount a citing enforcement officer must enter on the citation in the place designated for "presumptive fine" when charging a person with a violation offense under **state** law, regardless of the court the officer cites the person to appear in, and
- minimum and maximum amounts courts can impose on conviction.

The presumptive fine is not the maximum fine a court can impose. It is the fine amount the defendant can pay to resolve the violation offense without having to do anything else, unless the law or the court requires the defendant to appear. (See ORS 153.061 as amended by Or Laws 2011, c 597, §25.) The court can impose a higher fine, up to the maximum statutory sanction, if the law or the court requires the defendant to appear.

Offenses Included: SOF-12 includes amounts for Class A, B, C, and D violations and common "specific fine violations." Many offenses separately listed in MBFS-11 and prior schedules are not separately listed in SOF-12 because various changes in 2011 reclassified offenses and removed offense-specific provisions, eliminating the need for separate listing.

What Presumptive Fines Are Not/Do Not Do: The presumptive fines listed in SOF-12

- are **not** bail, security-release amounts, or security-release deposit amounts; they do not affect security-release procedures under ORS 135.265;
- do **not** include any moneys for restitution or costs; and
- do **not** apply to misdemeanors or felonies.

Where to Find Schedules: SOF-12 and earlier schedules are posted in PDF on the Oregon Judicial Department's website – www.courts.oregon.gov/OJD.

- Click on **Materials & Resources**.
- Click on the **Court Rules** tab.
- Using the drop-down menu under "Complete List of Rules," select **Fines on Violations**.
- Click on **Go**.

(a)	(b)	(c)	(d)	(e)
2012 Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)	Maximum Fine (Corporations)
Standard <i>proposed</i>				
(1) Class A violation <i>(525)</i>	\$435	\$220	\$2,000	\$4,000
(2) Class B violation <i>(350)</i>	\$260	\$130	\$1,000	\$2,000
(3) Class C violation <i>(250)</i>	\$160	\$80	\$500	\$1,000
(4) Class D violation <i>(200)</i>	\$110	\$60	\$250	\$500
Traffic Violation in Special Zone				
(5) Class A violation	\$870	\$220	\$2,000	\$4,000
(6) Class B violation	\$520	\$130	\$1,000	\$2,000
(7) Class C violation, speed only	\$320	\$80	\$500	\$1,000
(8) Class D violation, speed only	\$220	\$60	\$250	\$500
Drugs and Alcohol				
(9) A Viol. OLCC licensee furnishing alcohol to a minor, 471.410(6), first offense	\$435	\$220	\$2,000	\$4,000
(10) SF Viol. OLCC licensee furnishing alcohol to a minor, 471.410(6), second offense (third or subsequent is a Class A misd.)	\$860	\$172	\$2,000	\$2,000
(11) A Viol. Allow minor to consume alcohol on property, 471.410(9), first offense	\$435	\$220	\$2,000	\$4,000
(12) SF Viol. Allow minor to consume alcohol on property, 471.410(9), second or subsequent offense	\$1,000	\$200	\$2,000	\$2,000
(13) SF Viol. Delivery of less than 5 grams of marijuana for no consideration, 475.860(3)(b), (within 1000 ft. of a school is a Class C misd.)	\$650	\$130	\$2,000	\$2,000
(14) SF Viol. Possession of less than an ounce of marijuana, 475.864(3) (within 1000 ft. of school is a Class C misd.)	\$650	\$130	\$2,000	\$2,000
(15) SF Traffic Viol. Refusal to take test for intoxicants, 813.095	\$650	\$130	\$2,000	\$2,000
Special Traffic Violations				
(16) SF Traffic Viol. Speeding 100 mph or greater, 811.109(5)	\$1,150	\$230	\$2,000	\$2,000
(17) A Viol. Careless driving, injury or death of vulnerable user, 811.135(3)	N/A must appear	N/A	\$12,500	\$12,500
(18) SF Traffic Viol. Unlawful parking in a winter recreation parking area, 811.590	\$30	\$6	\$2,000	\$2,000
(19) SF Traffic Viol. Bicycle helmet, 814.485 and 814.486	\$25	\$5	\$2,000	\$2,000
(20) SF Traffic Viol. Motor-assisted scooter helmet, 814.534 and 814.536	\$25	\$5	\$2,000	\$2,000
(21) SF Traffic Viol. Skateboarder, scooter rider, in-line skater helmet, 814.600	\$25	\$5	\$2,000	\$2,000

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE FINE</u>
<u>SERIOUS TRAFFIC OFFENSES</u>			
Violations of Ignition Interlock Devices	2,000	813.608	500
Careless Driving	1,000	811.135	300
Driving While Suspended (DWS)	2,000	811.175	500 Vio
Driving While Suspended (DWS)	6,250	811.182	590 Crime
Driving Under Influence Intox. (DUI)	6,250	813.010	590 Crime
Eluding	6,250	811.540	590 Crime
Flr Leav Nm/Add Scn Acc.....	6,250	811.700	590 Crime
Reckless Driving	6,250	811.140	590 Crime
Reckless Endangerment of Highway Workers	6,250	811.231	590 Crime
Refusal to Take a Test for Intoxicant.....	2,000	813.095	500 Vio
Vehicular Assault of Bicyclist or Ped	6,250	811.060	590 Crime

IF AN ACCIDENT IS INVOLVED, ADD \$50 TO THE PRESUMPTIVE FINE AMOUNTS BELOW:

ALL OTHER VIOLATIONS NOT PROVIDED FOR

Class A	2,000
Class B.....	1,000
Class C.....	500
Class D	250

*our proposed presumptive fines **

500	525
300	350
200	250
150	200

SPEEDING

Speed Racing	2,000	811.125	500
Violation Basic Rule (VBR) Over Limit:			
1 to 10 miles	250	811.100	150
11 to 20 miles	500	811.100	200
21 to 30 miles.....	1,000	811.100	300
over 30miles.....	2,000	811.100	500
Unsafe speed when going slower than posted speed.....	1,000	811.100	300
Violating Designated Speed Limit:			
1 to 10 miles.....	250	811.111	150 *
11 to 20 miles.....	500	811.111	200 *
21 to 30 miles.....	1,000	811.111	300 *
Over 30 miles.....	2,000	811.111	500 *
If the speed limit is 65 mph or greater:			
Exceeding the limit by 10 mph or less.....	500	811.111	200 *
Exceeding the limit by more than 10 but not more than 20.....	1,000	811.111	300 *
Exceeding the limit by more than 20 mph.....	2,000	811.111	500 *

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>
* ADD \$42 SURCHARGE IF DEFENDANT IS DRIVING VEHICLE THAT REQUIRES COMMERCIAL DL			
<u>ALCOHOL VIOLATIONS</u>			
Open Container (Drink)	1,000	811.170	300
Open Container (Keep)	1,000	811.170	300
Open Container (Poss)	1,000	811.170	300
<u>ACCIDENTS/REPORTS</u>			
Flr to Perf Driv Dut/Domes Animal	1,000	811.710	300
Flr to Perf Witness Duties	1,000	811.715	300
Flr Driver to Report Accident	1,000	811.725	300
Flr Occupant to Report Accident	1,000	811.735	300
Flr Owner to Report Accident	1,000	811.730	300
False Accident Report (crime)	2,500	811.740	538 Misd
Failure to Remove a Motor Vehicle from the Highway	500	811.717	200
<u>PEDESTRIAN VIOLATIONS</u>			
Flr Obey Trf Control Dev	250	814.020	150
Flr Use Tunnel/Overhd	250	814.060	150
Flr/Improper Use Sidewalk/Shoulder	250	814.070	150
Flr Yld Emergency Vehicle	250	814.050	150
Flr Yld Vehicle	250	814.040	150
Sudden Leaving Curb	250	814.040	150
Unlawful Hitchhiking	250	814.080	150
Flr Obey Railroad Signal	250	814.030	150
<u>BICYCLE VIOLATIONS</u>			
Applicability of MV Code to Bicycle		814.400	Same as Veh
Unsafe Riding Sdwk	250	814.410	150
Flr Sig Stop/Turn	250	814.440	150
Clinging to Veh	250	814.480	150
Flr To Wear Bicycle Helmet	25	814.485	25
Flr Use Bicycle Seat	250	814.470	150
Flr Use Bicycle Lane/Path	250	814.420	150
Improp Use of Lane by Bicycle	250	814.430	150

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>
Unlawful Load on Bicycle	250	814.450	150
Unlawful Passenger on Bicycle	250	814.460	150
Viol Bicycle Equip Requirements	250	815.280	150

MOPEDS, MOTORCYCLES, MOTOR ASSISTED SCOOTERS (MAS) AND
ASSISTED MOBILITY DEVICE

Illegal Alteration of Moped	500	814.310	200
Moped Clinging to Vehicle	250	814.230	150
MTC/Moped More than 2 Abreast	1,000	814.250	300
Unlawful Moped or MTC Operation	1,000	814.200	300
Unlawful Moped or MTC Passing	1,000	814.240	300
Operating Moped on Bike Lane	250	814.210	150
Oper Moped on Sidewalk/Bike Trail	250	814.210	150
Oper Moped w/o Lights	1,000	814.320	300
Carrying Passenger on Moped	250	814.330	150
Unlawful Moped Passenger	250	814.340	150
Flr MTC Operator to Wear Helmet	250	814.269	150
Flr MTC Passenger to Wear Helmet	250	814.275	150
Clinging to MV by MTC—Unless Disabled .	1,000	814.220	300
No Helmet/Moped Rider	250	814.260	150
Operate MTC w/o Lights	1,000	814.320	300
Unlawfully Carrying Passenger on MTC	1,000	814.325	300
Endangering MTC Passenger	250	814.280	150
Unlawful Operation of MAS	250	814.512	150
Failure to use Bike Lane-MAS	250	814.514	150
Improper Operation on Highway-MAS	250	814.518	150
Improper Operation in Lane-MAS	250	814.520	150
Failure to Signal-MAS	250	814.522	150
Unsafe Operation on Sidewalk-MAS	250	814.524	150
Unsafe Oper on bike path or lane-MAS	250	814.526	150
Operation of MAS in crosswalk	250	814.528	150
Carrying a Passenger on a MAS	250	814.530	150
Operating MAS with an unlawful load	250	814.532	150
Flr of MAS Operator to Wear Helmet	25	814.534	25
Endangering a MAS operator	25	814.536	25
Vio of MAS equipment requirements	250	815.283	150
Vio of Electric personal assistive mobility device equipment requirements.....	250	815.284	150
Unsafe oper of electric assist mobility device	250	814.552	150
Dangerous movement of stopped, standing, parked vehicle	1,000	811.565	300

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>
<u>DRIVING ON LEFT</u>			
Approaching View Obstructed Intersec	1,000	811.305	300
Approaching View Obstructed RR Xing ...	1,000	811.305	300
Intersection	1,000	811.305	300
Obstructed Curve	1,000	811.305	300
Railroad Grade Xing.....	1,000	811.305	300
<u>SIGNAL AND TRAFFIC CONTROL VIOLATIONS PASSING AND LANE USAGE</u>			
Pass Stopped Veh at X-Walk	1,000	811.020	300
Flr Obey Police Officer.....	1,000	811.535	300
Flr Obey Stop Sign	1,000	811.265	300
Flr Obey Traf Cont Device.....	1,000	811.265	300
Flr Obey Traf Signal	1,000	811.265	300
Flr to Signal (Electric)	250	811.405	150
Flr to Signal (Ln Chng)	250	811.375	150
Flr to Signal (Stop) With Lts.....	250	811.405	150
Flr to Signal (Turn) With Lts	250	811.405	150
Imp Left Turn	1,000	811.340	300
Imp Right Turn.....	1,000	811.355	300
Flr Use Appropriate Signal.....	1,000	811.400	300
Unlawful MC Passing	1,000	814.240	300
Unsafe Pass (On Left)	1,000	811.410	300
Unsafe Pass (On Right).....	1,000	811.415	300
Unsafe Pass (No Passing Zone)	1,000	811.420	300
Unsafe Passing of Person on Bicycle	1,000	811.065	300
Flr Use Special Left Turn Lane	1,000	811.345	300
Inter w/Trf Cont Dev.....	2,000	810.240	500
Flr Stop for RR Signal	1,000	811.455	300
Impr Turn at Stop Lt (When Red)	1,000	811.360	300
Unlawful or Unsignaled Turn.....	250	811.335	150
Imp U-Turn	1,000	811.365	300
Flr Obey One-Way Designation	1,000	811.270	300
Crossing Cntr Line of 2-Way/4 Lane	1,000	811.310	300
Depriving MC/Moped of Full Lane	1,000	811.385	300
Drvg Wrong Way Around Rotary Island	1,000	811.330	300
Flr of Slow Drvr to Drv in Rt Lane	1,000	811.315	300
Flr to Drive in Single Lane	1,000	811.370	300
Flr to Drive on Right	1,000	811.295	300
Flr to Drive on Rt of Approach Veh.....	1,000	811.300	300
Flr to Drive on Rt Side of Div Hwy	1,000	811.320	300
Flr to Keep Camper, Trailer, Truck in Rt Lane	1,000	811.325	300
Unlawful Change of Lane (Unsafe)	250	811.375	150

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>	
Unsignaled Change of Lane	250	811.375	150	
Flr to maintain safe distance from emerg veh...	1,000	811.147	300	
<u>FAILURE TO YIELD RIGHT-OF-WAY</u>				
Flr to Yld Bicycle on Sidewalk	1,000	811.055	300	
Flr to Stop for Pedestrian who is Blind	1,000	811.035	300	
Flr to Stop for Pedestrian on Sidewalk.....	1,000	811.025	300	
Flr to Yld Bicycle in Bike Lane	1,000	811.050	300	
Flr to Yld at Contld Intrs	1,000	811.265	300	
Flr to Yld in Roundabout.....	500	811.292	200	
Flr to Yld at Drvwy/Alley/Priv Rd	1,000	811.280	300	
Flr to Yld Emergency Vehicle	1,000	811.145	300	
Flr to Yld Left Turn	1,000	811.350	300	
Flr to Yld at Merging Lane	1,000	811.285	300	
Flr to Yld Ped (Crswlk w/o Cntrl Dv)	1,000	811.028	300	
Flr to Yld Ped (Crswlk, Turn on Red)	1,000	811.360	300	
Flr to Yld Ped (Crswlk w/ Tr Sig)	1,000	811.028	300	
Flr to Yld Uncontrld Hwy Intrs	1,000	811.275	300	
Flr to Yld to Traffic Control Member.....	2,000	811.017	500	
<u>OPERATORS LICENSE VIOLATIONS</u>				
No MTC Endorsement	1,000	807.010	300	
Veh Oper w/o Driving Priv (Exp DL)	1,000	807.010	300	
Veh Oper w/o Driving Priv (No DL)	1,000	807.010	300	
License Restrictions.....	1,000	807.010	300	
Flr Carry/Dsp/Present/Deliver DL	1,250	807.570	200	
Flr Chg Name/Add DL w/in 30 Days.....	250	807.560	150	
Flr Chg Name/Add ID w/in 30 Days	250	807.420	150	
Flr to Surrender Out-of-State DL	250	807.540	150	
Holding Multiple DL's	1,000	807.550	300	
Veh Oper with Cancelled Lic	1,000	807.010	300	
Permitting Misuse of DL (Lending)	6,250	807.590	665	Crime
Giving False Information	6,250	807.620	665	Crime
Misuse ID Card	6,250	807.430	1,138	Crime
Using Invalid DL	6,250	807.580	665	Crime
Using Another's DL	6,250	807.600	665	Crime
Flr to Return Suspended Drivers License	1,250	809.500	590	
<u>VEHICLE LICENSE VIOLATIONS</u>				
False Application Proh-Veh Reg.....	6,250	803.375	1,138	Crime
Exp Veh Lic/Reg (Fee Must be Paid).....	250	803.315	150	
Flr Chg Name/Addr w/in 30 Days	250	803.220	150	

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>
Flr Sign/Carry/Dsply Reg	250	803.505	150
Flr Trnsfr Title w/in 30 Days.....	250	803.105	150
Impr Disp Lic Plt Sticker	250	803.560	150
Impr Disp Veh Plates	250	803.540	150
Dealer Certificate Violation	6,250	822.005	1,201 Crime
Improper Display Dealer Plates.....	250	822.045 (h)	150
Improper Use of Dealer Plates	1,000	822.045 (g)	300
Switched Lic Plates	250	803.540	150
Switched Lic Plate Sticker	1,000	803.550	300
Flr to Reg Veh	250	803.300	150
Flr to Renew Veh Reg	250	803.455	150
Illegal Alteration/Dsply Plates	1,000	803.550	300
Exp Out-of-State Plates	500	803.545	200
Flr to Dsply Plates	250	803.540	150
Flr to Dsply Out-of-State Plates	500	803.545	200
Flr to Surr Out-of-State Reg/Plates	250	803.380	150
Improper Display of a Permit	250	803.655	150

LIGHT VIOLATIONS

Flr Mark End of Load (Over 4') w/Light or Flag.....	500	815.275	200
Opr w/Nonstandard Ltg Equip (Type, Visibility, Color, Placement).....	500	816.300	200
Opr w/o Required Ltg Equip	500	816.330	200
Def Headlights	500	816.330	200
Def Taillights	500	816.330	200
Def Reg. Plate Light (Visible 50')	500	816.330	200
Def Brake Lights	500	816.330	200
Def Turn Signals.....	500	816.330	200
Def Hi-Beam Indicator	500	816.330	200
Def Reflectors	500	816.330	200
Aux Lights Over 54" on	500	816.330	200
Back-Up Lights on When Going Forward	1,000	811.520	300
Driving w/o Lights	1,000	811.520	300
Flr to Dim HL (500' Oncom: 350' Rear)	1,000	811.520	300
Flr to Use Park Lights.....	250	811.520	150
More than 4 Lights When Hdlt Req.	1,000	811.520	300
Using Park Lights When Hdlt Required.....	1,000	811.520	300
Use of Prohibited Lighting Equip	500	816.360	200

REQUIRED EQUIPMENT

Brakes (Inclgd Emrgncy Brks)	500	815.130	200
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EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>	
Fenders/ Mudflaps	500	815.185	200	
Horn (Audible 200 Ft)	500	815.230	200	
Op/Allow Op Iligl Equip/Unsafe Veh	500	815.100	200	
Rear View Mirror (Unobstructed 200 Ft)	500	815.235	200	
Forward Crossover Mirror/Failure to Inspect	500	815.237	200	
Turn Signals (Exc Pre '73 MC & Mopds)	500	816.320	200	
Windshield Wiper	500	815.215	200	
Exhaust System	500	815.250	200	
Illegal Window Tinting.....	1,000	815.222	300	
 <u>EXCESSIVE NOISE VIOLATIONS</u>				
Engine Braking	2,000	811.492	500	
Excess Noise (Tires, Engine, Exhaust)	250	815.025	150	
Improper Use of Horn	500	815.225	200	
Unreasonable Sound Amplification from a vehicle.....	250	815.232	150	
 <u>MISCELLANEOUS VIOLATIONS</u>				
Operating a Motor Vehicle while using a Mobile Communications Device.....	250	811.507	150	
Conducting Wrecking Business w/o Certificate	6,250	822.100	1,201	Crime
Requirements for Destruction of Veh	6,250	819.010	1,138	Crime
Blocking Cross Traffic	250	811.290	150	
Carry Dog External Veh	250	811.200	150	
Carry Child External Veh	1,000	811.205	300	
Damage/Remove Sign	2,000	810.240	500	
Drag Object on Road	250	818.320	150	
Drv on Bicycle Ln/Path	1,000	811.435	300	
Oper w/obstructing Passenger	250	811.190	150	
Driving Uninsured	1,000	806.010	300	
Flr to Carry Proof of Compliance w/Financial Responsibility Reg.....	1,000	806.012	300	
Flr to Stop for School Bus	2,000	811.155	500	
Unsafe School Vehicle Operation	1,000	820.180	300	
Follow Fire Truck (500 Ft)	1,000	811.150	300	
Follow too Close	1,000	811.485	300	
Operating Unsafe Veh	1,000	815.020	300	
Impeding Traffic	250	811.130	150	
Op Low Speed Veh on Highway	1,000	811.512	300	
Littering (Op/Pass)	1,250	164.805	200	
Obstruction on Windows	250	815.220	150	

EUGENE MUNICIPAL COURT

TRAFFIC OFFENSES
Presumptive Fine Schedule

	<u>MAXIMUM</u> <u>FINE</u>	<u>ORS</u>	<u>PRESUMPTIVE</u> <u>FINE</u>
Open Vehicle Door	250	811.490	150
Overtaking Stopped Vehicle	1,000	811.020	300
Prmt Unlwful Oper Veh	1,000	811.255	300
Sifting, Leaking Load	1,000	818.300	300
Studded Tires (Ilgl-May 1 to Oct 31)	500	815.160	200
Throwing Burning Material From MV	500	476.715	200
Drvg on Hwy Divider	1,000	811.430	300
Endangering Child Passenger	250	811.210(1)(b)(c)	150
Flr to Wear Seat Belt	250	811.210(1)(a)(d)	150
Flr to Maintain Safety Belts	500	811.225	200
Flr to Stop Emerging from Alley, Driveway, Bldg.....	1,000	811.505	300
Illegal Backing	250	811.480	150
Interference with Emergency Veh	1,000	811.150	300
Passenger Obstruction of Driver	500	814.130	200
Unlawful Use of Television	1,000	815.240	300
Viol Max Size Limits	250	818.090	150
Viol Towing Safety Reg	1,000	818.160	300
Viol Min Road Clearance	1,000	815.245	300
Viol Truck Route (Authority 810.040)	1,000	811.450	300
Viol Maximum Weight Limits when Vehicle Eligible for Variance Permit	2,000	818.020	500
Visible Emissions	250	815.200	150

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **6 b.**

Council Hearing Date: August 13, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Attorney Reviewed Code Revisions

SUMMARY AND BACKGROUND:

Proposed changes to the city code were discussed at the July 23rd meeting. The changes were sent to Lauren for her review and comments. I have incorporated her suggested changes. For brevity I have only attached the code pages that had actual changes—everyone was provided the full sets at the previous meeting. Changes to be reviewed tonight are from the Administration, Business, and Nuisance and Offense sections of the code.

Comments regarding the original proposal:

- While the intent was to standardize the vacancy and removal process across all the committees and commissions, state ORS regulates the appointment and removal of Planning Commission and Budget Committee members so I have made Lauren's suggested changes to these sections.
- Lauren suggested we adopt a policy for reimbursement of expenses to committee/commission members.
- There are 3 of the 5 Promotion Committee positions expiring on December 31st. Let's revisit the committee structure in January.
- Lauren made slight changes to the Nuisance and Offense code penalty sections due to changes in state law.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- The code sections proposed to be changed

REQUESTED MOTION/ACTION:

After review of the final changes, direct staff to prepare an ordinance to update the revised City Code sections for the September meeting.

COPY OF REPORT SENT TO:

Council

BOLD: indicates proposed new code language

STRIKETHROUGH: indicates language proposed to be deleted

ADMINISTRATION CODE

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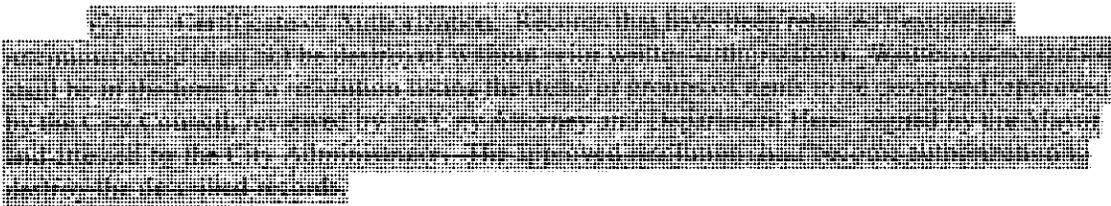
General

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.



City Government

1.105 City Council

(1) City Council - Regular Meetings.

(a) The Council of the City of Gold Beach shall hold one regular meeting each month at a time and at a place that it designates and to last no longer than 10:30 p.m., unless there is unanimous consent to continue beyond that time.

(b) The regular meetings shall be held in the Council Chambers of the City Hall of the City of Gold Beach.

(2) City Council - Special and Emergency Meetings.

(a) The Mayor, Administrator, or at the request of two Council members, shall, call a special meeting of the City Council.

(b) Except upon consent of all members of the Council or in the case of an actual emergency, public notice of the meeting shall be given at least twenty-four (24) nor later than forty-eight (48) hours prior to the meeting time. This notice shall be reasonably calculated to give actual notice to interested persons of the time and place for holding the meeting. Notice shall be deemed to be sufficient if it is published in a

Comprehensive Plan.

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

- a) The individual lives within the city limits of Gold Beach and intends to make the City of Gold Beach a fixed and permanent home; and
- b) Gold Beach is listed as the individual's residence address for federal income tax purposes; and
- c) The records of the Curry County Tax Assessor list Gold Beach as the individual's mailing address; and
- d) Gold Beach is listed as the individual's residence address on their valid Oregon driver's license or state issued identification card; and
- e) The individual is an elector as defined by Section 12 of the Gold Beach Charter.

(3) Term of Office. Each member shall serve a term of four (4) years.

(4) Liaison. The City Council may appoint one of its members to be a liaison between the City Council and the Planning Commission. Said liaison shall be in addition to the five commission members and shall be permitted to engage in discussion of all matters coming before the Commission but shall be a nonvoting and nonauthoritative party at the Planning Commission's meetings and hearings.

(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 and Council 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 and Council 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.

(6) Member's Conflict of Interest. A member of the Planning Commission shall not participate in any commission proceeding or action in which he may have a conflict of interest as defined by ORS 224.135. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

(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 may be reimbursed by the City subject to City reimbursement policy.

(8) Budget. There shall be included in the budget of the City of Gold Beach an amount to pay the reasonable and necessary expenses of the Planning Commission during the succeeding year.

(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.

(10) Meetings. The Planning Commission shall hold one meeting a month at the Gold Beach City Hall. The Chairman may call such special meetings as he may from time to time consider necessary, and further, shall call a special meeting upon the written requests of three (3) of the Planning Commission members. A special meeting may be called by a majority vote of commission members. The time, place and agenda of all Planning Commission meetings shall be given proper public notice.

(11) Quorum and Voting. For the commission to act at any regular or special meeting, it shall be necessary that three of the members thereof be present. For a motion, resolution or recommendation to be approved by the commission, it shall be necessary that a majority of the members present at the meeting vote affirmatively for said motion, resolution or recommendation. Any commission member serving as an officer shall have a vote equal to all other members of the commission.

(12) Powers and Duties. The City Planning Commission shall have the following powers and duties:

(a) All of the powers and duties set forth in ORS 227.090.

(b) The commission shall consider the comprehensive planning problems of the City of Gold Beach, and shall review the layout and the proposed location of streets, parks and playgrounds, and all other installations or improvements that is believed advisable and beneficial, and shall outline the means and details of obtaining or making said improvements. The commission shall make written reports to the City Council and submit its proposals and decisions to the City Council in writing.

(c) The Gold Beach City Council hereby directs and appoints as hearing officer the Gold Beach Planning Commission and does delegate to said commission all powers and duties as prescribed in ORS 227.165.

(d) The Planning Commission shall have the authority to administer the City of Gold Beach Comprehensive Plan, subdivision ordinance, zoning ordinance, major and minor partitions, off street parking ordinance, annexation ordinance, and dedication and vacations of lands for public use. The Planning Commission shall review and investigate public testimony where necessary on any such actions, and thereafter, make a written report and recommendation to the City Council. The Planning Commission may also recommend to the City Council any amendments in the above described ordinances, or suggest any new ordinances to the City Council in regards to land use planning.

(e) The Planning Commission shall make and alter rules and regulations for its internal governing and procedure consistent with the laws of this state, and the codes, ordinances and city charter of the City of Gold Beach.

(13) Effective Recommendation. All written recommendations of the Planning Commission to the City Council shall be binding as a final decision, unless within thirty (30) days after commission decision, the City Council on its own motion, with written notice to the Planning Commission and all affected parties, decides to review the Planning Commission's action; or unless an appeal of said action is filed pursuant to the appropriate ordinance under which any hearing and decision was held. "Affected parties" is defined as the applicant, or any person receiving written notification of a Planning Commission hearing and any parties submitting written or oral testimony at the Planning Commission hearing on the particular subject.

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 membership, appointment and term of office are subject to the provisions of ORS 294.414. The 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.

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 may be reimbursed by the City subject to City reimbursement policy.~~

(5) Officers. The Budget Committee shall at its first meeting after its appointment elect a chairperson, a vice-chairperson and a secretary from among its members and each shall serve as long as the Committee wishes.

(6) Meetings. The Budget Committee shall meet from time to time at its discretion. All meetings of the Budget Committee shall be open to the public.

Elections

1.205 Election Precincts

(1) Precinct Boundaries. For election purposes the City of Gold Beach shall be divided into such precincts as are formed from time to time by the Curry County clerk for state general elections.

(2) Qualified Voters. All persons registered to vote with the county clerk of Curry County, and residing in the city of Gold Beach, shall be qualified voters at all city elections.

(3) The Curry County Elections Department shall conduct all city elections and the general laws of the state shall apply to notice of city elections, the conduct of city elections, recounts of the returns therefore and contests therefore.

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card, the amount of such discount shall be excluded from the definition of "Rent" and no tax shall be imposed on the amount so discounted.

4.220 Operator's Duties.

Each operator shall collect the tax imposed by this code at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a lodging establishment shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this 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.

[REDACTED]

(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.

4.230 Registration of Operator; Certificate of Authority.

Any person engaging or about to engage in business as an operator of a lodging establishment in this City shall register with the Tax Administrator. Operators starting a new business must register within fifteen days after commencing business. The privilege of registration after commencing business shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of the place or places of business and such other information to facilitate collection of the tax as the Tax Administrators may require. The operator shall sign the registration. Within ten calendar days after registration, the Tax Administrator shall issue, without charge to each lodging

person required to obtain a Transient Occupancy Registration Certificate or pay a transient occupancy tax, or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this section shall be construed to prevent:

(a) The disclosure to, or the examination of records and equipment by another City of Gold Beach Official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this code, or collecting taxes imposed hereunder, or collecting city business license fees.

(b) The disclosure, after the filing of a written request to that effect, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in this paragraph when the public interest would suffer thereby.

(c) The disclosure of the names and address of any persons to whom Transient Occupancy Registration Certificates has been issued.

(d) The disclosure of general statistics regarding taxes collected or business done in the City.

4.280

~~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".

(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.

(4) A quorum of three 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 the committee is to plan, coordinate, and execute all community promotion and advertising for the greater Gold Beach area. The committee shall be authorized to accept and administer all such funds. The committee may accept and administer advertising spots on radio or television. The committee shall maintain a fiscal budget from the City Council and shall report to the City Council.

(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. The Promotions Committee has no authority to incur expenditures on behalf of the City.

4.285 Appeals to City Council.

Any person aggrieved by any decision of the Tax Administrator may appeal to the City Council by filing notice of appeal with the Tax Administrator within twenty days (20) of the serving or the mailing of the notice of the decision given by the Tax Administrator. The Tax Administrator shall transmit said notice of appeal, together with any files of said appealed matter to the Council, who shall fix a time and place for hearing such appeal from the decision of the Tax Administrator. The Council shall give the appellant not less than twenty days (20) written notice of a time and place of said hearing of said appealed matter. Action by the Council on appeals shall be decided by a majority of the members of the Council present at the meeting where such appeal is considered. All decisions of the City Council in regards to appeals are final and binding.

4.286 Severability.

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GENERAL

5.000 Code Provisions as Law.

The provisions of this Code are the laws of the City of Gold Beach and not merely prima facie evidence of the law.

5.010 General Savings Provision.

This Code shall not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code.

5.020 Continuity of Existing Provisions.

The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective are construed as restatements and continuations of the prior provisions.

5.030 Interpretation of Term "City Administrator".

Unless the context specifically indicates otherwise, any time this Code indicates that an action is to be performed by the City Administrator, that action may be performed either by the City Administrator or by the City Administrator's designee. Designation of a designee of the City Administrator may be made informally.

5.040 Severability.

The sections, subsections, paragraphs, provisions, clauses, phrases, and words of this Code are severable. If a section, subsection, paragraph, provision, clause, phrase, or word of this Code is declared by a court of competent jurisdiction to be unconstitutional or invalid, the

judgment shall not affect the validity of the remaining portions of this Code. Every other section, subsection, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or validity of the portion declared unconstitutional or invalid, is valid.

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: A dog shall be considered to be running at large when it is off or outside the premises belonging to the person having the control, custody or possession of the dog unless the dog is under the complete control of such person by means of an adequate leash, or is within a vehicle.~~

5.055 Dogs Running at Large Prohibited.

The running at large of dogs within the City of Gold Beach is prohibited at all times.

5.060 Dogs Must be Licensed.

All dogs within the City of Gold Beach must be licensed at all times as provided by Oregon Revised Statutes Chapter 609.

5.065 Enforcement.

The police department of the City of Gold Beach shall have charge of the enforcement of this Code. It shall impound any dogs detained for violation of this Code in the Curry County animal shelter through the Curry County animal control officer. Any pick-up fee and any boarding fee charged to the owner will remain the property of Curry County, any fines or assessments imposed pursuant to Section 5.070 of this Code shall remain the property of the City. .

5.070 Penalties.

Any dog found running at large may be impounded, whether licensed or not, and its owner shall be subject to citation into the municipal court. The court may impose a fine of not more than \$250 (ORS 609.095) for each offense. Each violation of this code constitutes an individual and separate offense. The court may also impose a unitary assessment as

Whenever in this Code, or any code of the City of Gold Beach, an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.

5.435 Penalties.

Whenever any provision of this Code is found to be in conflict with any provision of the Code of the State of Oregon, the provisions of this Code shall prevail. In the case of a conflict between provisions of this offense code where the offense is identical to an offense created by state statute, and the state law offense carries with it a lesser penalty than the offense created by this Code, the local law shall prevail. In addition to the above penalties, the municipal court may also impose any fine, penalty, or assessments provided for by state law, and may order the offender to pay restitution where appropriate. The municipal court judge, clerk or administrator shall determine the amount of time and fines to be assessed in accordance with the provisions of this code. The provisions of this code shall not be construed to mean any provisions included in the Code of the State of Oregon.

5.440 Nuisance Abatement.

No provisions in this Code shall preclude the abatement of a nuisance as provided in the general Sections 5.285 through 5.310 of this Code.

5.500 Disorderly Conduct at Fires.

No person at or near a fire shall obstruct or impede the fighting of the fire, interfere with fire department personnel or fire department apparatus, behave in a disorderly manner or refuse to observe promptly an order of a member of the fire or police department.

5.510 Unnecessary Noise.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the City of Gold Beach. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

- (1) The keeping of an animal that by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.
- (2) The use of an engine, thing or device which is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- (3) The use of a mechanical device operated by compressed air, steam or otherwise,

obstruction.

5.565 Vending Goods on Streets or Sidewalks.

No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry or otherwise, unless a license has first been obtained.

5.570 Begging.

No person shall physically accost another person for the purpose of begging or soliciting alms upon the streets or in any public place.

5.575 Lodging.

(1) No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof.

~~(2) No overnight lodging is allowed in the Gold Beach city limits except in designated areas.~~

5.580 Posted Notices.

No person shall affix a placard, bill or poster upon personal or real property, private or public, with-out first obtaining permission from the owner thereof or from the proper public authority.

5.585 Hauling.

No person shall haul sand, gravel, rock, wood or other substance in any vehicle or conveyance that is so constructed or in such condition as to allow the sand, gravel, rock, wood or other substance to fall on and litter the public streets of the City.

5.590 Curfew.

(1) No minor under the age of eighteen (18) years shall be in or upon any street, highway, park, alley or other public place between the hours of 12:00 midnight and 4:00 a.m. of the following morning, unless:

- (a) Such minor is accompanied by a parent, guardian or other person eighteen (18) years of age or over and authorized by the parent or by law to have care and custody of said minor; or
- (b) Such minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or

- (c) The minor is emancipated pursuant to Oregon Revised Statutes 419B.550 to 419B.558.
- (2) No parent, guardian or person having the care and custody of a minor under the age of eighteen (18) years, shall allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in subsection (1) above, except as otherwise provided in that subsection.
- (3) Any minor who violates subsection (1) of this section may be taken into custody as provided in Oregon Revised Statutes 419C.080, 419C.085 and 419C.088, and may be subject to further proceedings as provided in Oregon Revised Statutes chapter 419C.

PARKS

5.700 Park Rules and Regulations.

The following rules are hereby adopted for the regulation and use of municipal parks in and for the City of Gold Beach, Oregon, and shall be observed at all times, by all persons using any park and/or park facilities:

The following rules are hereby adopted for the regulation and use of municipal parks in and for the City of Gold Beach, Oregon, and shall be observed at all times, by all persons using any park and/or park facilities:

- (1) No fires or camp stoves shall be allowed except in the following designated areas:
 - (a) Park camp stoves or fireplaces provided for such purposes.
 - (b) Portable stoves in established picnic areas and areas specifically designated for portable stoves.
 - (c) No fire shall be left unattended and every fire shall be completely extinguished before user leaves the park area.
- (2) No person, except a police officer or Park Superintendent, acting within the scope of his or her employment, shall:
 - (a) Hunt, pursue, trap, kill, injure, molest or remove any bird, reptile, amphibian, or animal from confines of any city park, nor disturb in any manner the habitat of any bird or animal within the confinement of a city park.

- (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.

5.710 Authorization.

The City Park Superintendent and all city park employees and city police, are hereby authorized and directed to enforce, by all lawful means, full compliance by the public with Section 5.700 of this Code.

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).

~~In addition to the above penalty, the court may also assess a civil penalty of not more than \$500 for each violation, plus any fees, penalties, or assessments provided for in state law, applicable under the ordinance, or any other law, where appropriate.~~

- (3) The maximum fines may be amended from time to time by ordinance adopted by the Gold Beach City Council.

5.720 Separate Violations.

Each violation of a provision of this Parks Code shall constitute an individual and separate offense.

AGENDA ITEM 7.

CITIZEN REQUESTED AGENDA ITEMS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7 a.

Council Hearing Date: August 13, 2012

Department: Planning

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Citizen Requested Agenda Item: Request to change zoning code prohibition of livestock (chickens) within the city

SUMMARY AND BACKGROUND:

Candace Callen, a citizen that lives on Park Drive, has made a request to be on the agenda to discuss changing the zone code prohibition of livestock (chickens) within the city limits.

This topic has come up in the past, and is a frequent question at the counter. A few years back the planning commission was asked to review the prohibition. At the time the PC felt chickens would not be a good idea in the city but not for the noise or other "regular" concerns. The Commission felt that due the rural nature of our city—especially on the eastern interface with the forest—that chickens would further encourage large predators to come into town. We have had problems in the past with cougars and bears coming down into these areas. A few years ago a cougar was even spotted at Riley Creek School. Bears are routinely reported up 11th Street and Tom Cat Hill getting into garbage cans.

I would like to suggest that if the council is considering allowing chickens in the city limits that we contact Fish and Game and ask their opinion on whether it could encourage the large predators prior to making a decision on this matter. I'm not opposed to the idea in theory—I think "urban farming" is actually an intriguing idea-- I just want to ensure we are not creating a possible danger to our citizens by allowing it. One thing we need to keep in mind is that while, yes, we are a city and considered "urban" our small size and the rugged terrain surrounding us on all sides makes us "rural" by nature. Having said that, the rural part of us speaks well for the chickens, but that same rural-ness also means we have predator problems that other cities don't have. It is an interesting and challenging issue.

I'm attaching copies of the cities of Independence and Lafayette's chicken ordinances. If the council decides to allow chickens within the city limits I would suggest that we issue Urban Chicken permits like Lafayette does. I am also sending a separate report: *A Case for Backyard Chickens in Salem* by Chickens In The Yard (CITY). It addresses everything you ever wanted to know about urban chickens.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- City Requested Agenda Item form: Candace Callen
- Relevant zoning code sections
- Independence and Lafayette chicken ordinances
- *A Case for Backyard Chickens in Salem* report

REQUESTED MOTION/ACTION:

Determination on how to proceed with the request:

- **deny the request,**
- **direct staff to gather more information**
- **direct staff to prepare an amendment to the zoning code to allow chickens within the city limits**

COPY OF REPORT SENT TO:

Council, Candace Callen



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

RECEIVED
JUL 19 2012
CITY OF GOLD BEACH

CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

7/23 or 8/13

NAME: Candace Callen

ADDRESS: [REDACTED] Park Drive

PHONE: [REDACTED] EMAIL: [REDACTED]

Representing:

I will be representing myself

I will be representing (Organization Name) _____

NATURE OF BUSINESS TO BE PRESENTED: _____

Change Section 2.220 4 and/or definition
of livestock (p.B) to allow small flocks of
hens only within the city limits.

HYDROGRAPHY: The study, description and mapping of oceans, estuaries, rivers and lakes.

HYDROLOGIC: Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

IMPACT: The consequences of a course of action; effect of a goal, guideline, plan or decision.

INSURE: Guarantee; make sure or certain something will happen.

INTEGRITY: The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

INTERDUNE AREA: Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)

INTERTIDAL: Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

Kenel. A lot or building in which four or more dogs or cats, four months of age or older, are kept commercially for board, propagation, or sale.

KEY FACILITIES: Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.

LCDC: The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.

* Livestock. Cows, horses, goats, sheep, pigs, chickens, ducks, geese, llamas, alpacas, and other similar animals. Livestock does not include domestic cats, dogs, small birds, rodents, insects, serpents, or other smaller animals normally kept within a dwelling.

LITTORAL DRIFT: The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.

Lot. A parcel or tract of land.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A lot abutting on two intersecting streets neither of which is an angle greater than 135 degrees.

Lot, depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, interior. A lot other than a corner lot.

Lot line, front. In the case of an interior lot, the lot lines separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Residential Zone (3-R)

Section 2.210. Purpose of Classification.

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

Section 2.220. Uses Permitted Outright.

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling.
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
- * 4. Farming where building site is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.230. Conditional Uses Permitted.

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
STATE OF OREGON, COUNTY OF POLK**

An Ordinance Amending the Independence]
Municipal Code, Title 6 – Animals] Council Bill #2012-03

ORDINANCE NO. 1505

WHEREAS, the City Council of the City of Independence believes there is a need to amend, clarify and expand the existing regulations for the keeping of chickens within the city limits; and

WHEREAS, addressing this need will provide regulations that are easier to understand, implement and enforce and will offer the public additional opportunities to keep chickens; and

WHEREAS, city staff was directed to prepare draft legislation for the City Council to consider, addressing the keeping of chickens, and at their February 28, 2012 meeting, the City Council reviewed and revised staff's proposed regulations; and

WHEREAS, the proposed regulations provide a balance between livability impacts and eligibility to keep chickens through standards such as lot size, enclosure location, nuisance thresholds and a permit process; and

WHEREAS, the City Council has directed the Independence Planning Commission to review and draft any necessary ordinance amendments to the Development Code to ensure consistency between the Development Code and Chapter 6.5, adopted herein; **NOW, THEREFORE**,

THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

Section 1. Title 6 – Animals, of the Independence Municipal Code, is hereby amended to include Chapter 6.5 – Chickens, attached hereto as Exhibit A and incorporated herein by this reference.

Section 5. This ordinance shall become effective thirty days after final passage by the council and its signature by the Mayor.

First Reading to the Council, this 13th day of March, 2012
Second Reading to the Council, this 13th day of March, 2012
Adopted, this this 13th day of March, 2012
Signed by the Mayor, this 13th day of March, 2012

/s/ John McArdle
JOHN McARDLE, MAYOR

ATTEST:

/s/ Karin Johnson
Karin Johnson, MMC
City Recorder

Chapter 6.5 – Chickens

6.5.010 Definitions. For purposes of this chapter, the following definitions apply:

“Chicken” means the common domestic fowl *gallus gallus*.

“Chicken Facility” means a combination of a coop and run.

“Coop” means a small enclosure for housing chickens that is properly ventilated, designed to be easily accessed, cleaned and maintained, and at least two (2) square feet per chicken in size.

“Hen” means an adult female chicken.

“Rooster” means a chicken of the male gender, greater than four (4) months old.

“Run” means an outdoor enclosed or fenced area where chickens may feed or exercise.

6.5.020 Keeping of Chickens.

A. Notwithstanding any conflicting provisions within the Independence Development Code, no person shall keep chickens within the city, except under all of the following conditions:

1. A resident of a single-family dwelling in a residential zone may keep five (5) or fewer chickens on the lot or parcel on which the resident resides, in conformance with this Chapter and upon issuance of a permit under Section 6.5.030 of this Code.
2. Roosters are prohibited.
3. Except when under the personal control of the permittee, chickens shall be confined at all times within a chicken facility.
4. No chicken facility, either temporarily or permanently, shall be located within twenty feet of any adjacent residence, or within ten feet of the permittee’s residence
5. A chicken facility shall be located in the rear yard of the permittee’s residence, and shall comply with setback requirements of the Development Zone in which it is located.
6. A chicken coop shall be dry and adequately sealed to prevent cold air and moisture from entering the coop; it shall be maintained in good repair to protect the chickens from injury and to prevent entry of other animals that may be dangerous to the chickens.
7. A chicken facility shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions.
8. Waste matter shall be removed from the chicken facility as often as necessary to prevent contamination, reduce disease hazards and minimize odors.
9. All food for chickens shall be stored in metal, rodent-proof containers.
10. Storage of bedding materials shall be designed to prevent vermin infestation.
11. Fencing shall be designed and constructed to confine all chickens to the owner’s property.
12. Chickens must be kept in a covered, enclosed coop from dusk to dawn.
13. A chicken coop shall not exceed one hundred and twenty square feet.

B. Prohibitions:

1. Retail sale of eggs from the residence is prohibited.
2. No chickens may be permitted to run at large.
3. Chickens may not be slaughtered or killed in the City except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.

6.5.030 Permit Required.

- A. Terms; Conditions of Permit. A permit to keep chickens shall be valid for three years from the date of issuance, and may be renewed for additional three year terms. Every permit shall be subject to the following conditions:
1. Application. An application for a permit to keep chickens shall be accompanied by an application fee, in an amount set by resolution of the City Council, and shall include the following:
 - a. The name and mailing address of the person to whom the permit will be issued;
 - b. The physical address where the chickens will be kept, if different from above;
 - c. A sketch plan and affidavit evidencing that the chicken facility will meet the standards in this section;
 - d. A certification of completion from a chicken husbandry course, or a completed quiz contained at the end of the City of Independence "Primer for Keeping of Backyard Chickens"; and
 - e. When the applicant is not the owner of the property where the chickens will be located, the applicant will obtain signed consent from the property owner for the keeping of chickens on the property.
 2. The granting of a permit under this chapter shall be treated as an administrative action, and shall be administered by the City Recorder. Applications will be processed in the following manner:
 - a. The application will be reviewed by the City Recorder for completeness, and will not be acted upon until all information as contained in 6. 5.030 (A){1} is received.
 - b. Notice of the application will be sent to the property owners abutting the property where the chickens will be housed. Abutting property owners have 10 business days to respond with written comments prior to issuance of a decision.
 - c. Within 5 days after the close of the comment period, the application will be reviewed and a decision rendered.
 - d. Written notice of the decision will be mailed to the applicant and any interested party that requested a copy of the decision.
 - e. Decisions will be based upon the information supplied with the application, and the criteria in subsection 4 below.
 - f. A decision may be appealed to the City Manager or designee, either by the applicant or abutting property owner. The appeal must be filed within 5 days of date of notice, and be accompanied by a fee as established by Council resolution.
 3. Renewal.
 - a. A permittee may apply for renewal of a permit no later than 5:00 p.m. on the permit expiration date. The application shall be accompanied by an affidavit that the chicken facility meets the standards in this section, together with the permit renewal fee.
 - b. A renewal application shall be reviewed by the City in accordance with Section 4 below.
 - c. A late fee, in an amount as established Council resolution, shall be charged for any renewal application received after the expiration date. No renewal shall be granted if the application for the renewal is received more than thirty days after the expiration date.
 4. Grounds for Denial/Revocation. An application for a permit to keep chickens or a renewal of a permit may be denied or revoked for any of the following reasons:

- a. Applicant provided inaccurate, misleading or incomplete information on the application for, or in connection with the permit.
 - b. The permittee failed to comply with the conditions of a permit issued pursuant to this section.
 - c. Applicant failed to provide the sketch plan and affidavit in accordance with 6.5.030 (A)(1)(c) of this Code.
 - d. Permittee's actions present a reasonable doubt about the permittee's ability to perform permits and Code conditions, or to keep chickens without endangering the public health, safety or welfare.
5. Revocation. In the event of revocation, the City Recorder shall issue a written notice to the permittee specifying the reason(s) for the revocation and provide the permittee with 10 business days to correct the deficiency(ies). If corrected within the 10-day period, the permit will be reinstated.
6. No Transfer. Any permit granted hereunder is personal in nature to the grantee at the premises identified in the application and is non-transferable to another property or another resident of those premises.

6.5.040 Violation.

- A. Violation of any section of this chapter is punishable, upon conviction, by a fine in the maximum amount of \$250.00. Each day a violation continues to exist shall constitute a separate violation for which a separate fine or penalty may be assessed.

No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

(h) Chickens, chicken coops and runs shall only be located in a rear yard.

(i) Chicken coops shall be limited to eighty square feet and no more than six feet tall.

(j) Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.

(k) A chicken coop is required.

(l) A chicken coop and/or run shall be set back to a minimum of ten feet from adjacent property lines.

(m) An applicant shall obtain a permit from the City prior to the keeping of chickens.

ADOPTED by the Council on this 26th Day of July, 2012.

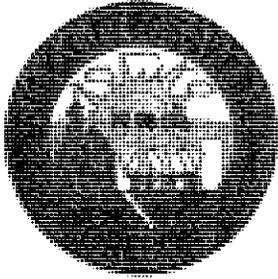
VOTE: Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

CERTIFIED:

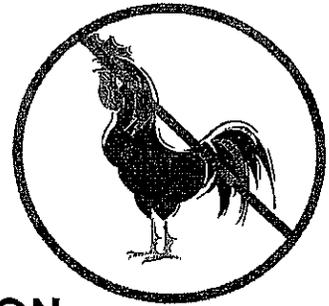
ATTEST:

Chris Heisler
Mayor

Melanie Maben
Assistant to the City Administrator



City of Lafayette
 486 Third Street-PO Box 55, Lafayette OR 97127
 (503) 864-2451 • Fax (503) 864-4501
 www.ci.lafayette.or.us



URBAN CHICKEN PERMIT APPLICATION

****Please provide a site plan showing the location of the chicken coop and/or run, size, and any fencing****

Name of Applicant: _____

Property Address: _____

Mailing Address (if different than property address): _____

City/State/Zip: _____

Phone #: _____ Email: _____

Name, address & phone of Property Owner (if different than applicant): _____

This application for a permit to allow chickens is subject to the following conditions and is only permitted when consistent with the following standards:

1. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
2. No more than three chickens are allowed on any one parcel, and the keeping of a rooster is prohibited.
3. Chickens shall only be kept upon property occupied by a detached single family dwelling or duplex.
4. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
5. Chickens shall be kept in an enclosed coop or run at all times.
6. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
7. Chickens and chicken coops shall only be located in a rear yard.
8. Chicken coops shall be limited to eighty square feet and the highest point of the coop shall be no more than six feet tall above grade.
9. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
10. A chicken coop is required.
11. Chicken coop and/or run shall be setback a minimum ten feet from property lines.
12. An applicant shall obtain a permit from the City prior to the keeping of chickens.

All required information and fees must be submitted at time of application.

FEES:

➤ There is no permit fee for the Urban Chicken Permit. Fees may be applicable for other permits that may be required to accommodate the use and will be determined by the Community Development Department.

➤ Number of chickens requested: _____

➤ Provide information regarding the type of building, structure, fence, or pen to house the chickens (including runs):

Briefly describe any structure: _____

Size (area in square feet): _____

Height (in feet): _____

Briefly describe any fenced area to be built (pen/run): _____

Type of fencing: _____

Height of fencing _____

➤ Briefly describe any provisions for sanitation, odor control, and heating: _____

Applicant acknowledges that upon issuance of any permit by the City of Lafayette that it is the obligation of the applicant to comply with any and all laws, ordinances and regulations governing the type of project permitted whether or not specified in the permit. The granting of an approval by the City of Lafayette does not give the applicant any authority to violate or modify the provisions of any other federal, State or local law, ordinance or regulation with respect to regulation of construction, performance of construction and/or operation of the project.

Regarding property boundaries, the applicant acknowledges that the only accurate way to locate property lines is by a land survey conducted by a licensed professional. The City of Lafayette makes no representation as to the accuracy or location of any boundaries related to the project and the applicant, by virtue of issuance of a permit by the city of Lafayette, agrees to hold harmless, defend and indemnify the City in any legal action related to property lines or boundaries.

I have read and understand the above application and I hereby certify that all conditions will be continually met, and that I will abide by all restrictions, administrative rules and applicable City Ordinances.

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

**** PERMIT REVOCATION****

Failure to comply with the above statement will result in the revocation of the permit and possible further action including fines.

FINAL PERMIT APPROVAL

APPROVED: _____ DATE: _____

DENIED: _____ DATE: _____

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7 b.

Council Hearing Date: August 13, 2012

Department: Administration and PD

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

**TITLE: Citizen Requested Agenda Item: Noise Complaint
SUMMARY AND BACKGROUND:**

Ginny Martin submitted a letter of complaint regarding a concert held at the High School on Saturday, August 4th. I have attached a copy of her letter and my email response to her (she also emailed me the complaint).

The council has addressed this issue before. I'm certain there will be a noise complaint on Monday about the Fireman's Breakfast this weekend. I previously mentioned a noise variance procedure. I think we should consider this process. It would allow us to place some "guardrails" around the event which would give us more enforcement latitude. As discussed by Chief Andrews, it is difficult to regulate the decibel level, but we can regular the hours of the events and other things such as timing. We could have a "notice before event" requirement which would allow us time to get a public notice out of a potential noise event and that would give people close to it the opportunity to leave during the event if they wanted to.

Because they are so infrequent, I don't believe we should prohibit these types of events.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- Letter from Ginny Martin and my email response
- City of Fairbanks Noise Variance application

REQUESTED MOTION/ACTION:

Determination on how to proceed with the complaint...

COPY OF REPORT SENT TO:

Council, Chief Andrews, Ginny Martin

August 8, 2012

To: Gold Beach City Council
To: City Administrator Jodi Fritts-Matthey

I am a full time resident and homeowner in Gold Beach and I have a concern I would like the Council to address. This past Saturday August 4, 2012 a concert was held outdoors at the high school football field. This was not a two or three hour concert. It began at 10am and did not stop until 10pm. That is an all day 12 hour concert.

The music was played at such a high volume that we were forced to keep all our windows closed all day long - all day long. We live about 2 ½ blocks from where the music was being played. I really felt for the people who live even closer. I wondered about people who have to rest during the day or needed to get to sleep earlier than the concert allowed.

The type of music was not a concern to me. The length of the concert and the volume of the music is the concern. I sincerely hope this type of concert will not be allowed in Gold Beach at any point in the future. The residents who work all week long deserve two days of peace and quiet before they go back to work again.

Does Gold Beach not have a noise ordinance? Did the people putting on the concert have a permit? Who is responsible for allowing this concert to happen? Why were some parameters not given and followed?

There are other places for a concert of this type to happen and two that immediately come to mind are inside a building at the fairgrounds or down at the port. Either place would not negatively impact the residents of town.

Thank you for your time and please consider never allowing this type of event to happen in town again.

Sincerely,



Ginny Martin

Jodi Fritts

From: Jodi Fritts **Sent:** Thu 8/9/2012 9:43 AM
To: Ginny Martin
Cc:
Subject: RE: August 4, 2012
Attachments:

Ms. Martin:

Thank you for your letter and for voicing your concerns. The city does not have a noise ordinance but we do have a provision in our code: Unnecessary Noise:

5.510 Unnecessary Noise.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the City of Gold Beach. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

- (1) The keeping of an animal that by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.
- (2) The use of an engine, thing or device which is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- (3) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.
- (4) The construction, including excavation, demolition, alteration or repair, of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City.
- (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 of normal sensitivities in the vicinity thereof.

If we receive a noise complaint the police department generally contacts the "noise makers" and asks them to reduce the noise. We handle the complaints on a case-by-case basis. Unfortunately noise is difficult to regulate--what is disturbing to one person may not be to another. Additionally, in order to prosecute the noise offenders a certified decibal meter and operator are required--even with the meter, the noise may not exceed legal levels. I'm not saying these things to make excuses--I'm just trying to explain the difficulty jurisdictions have enforcing noise complaints or determining how to regulate noise.

Another difficulty is the code language (like many cities) is subjective: "normal sensitivities" can be very broad, or very narrow--how one defines "normal" can be as varied as the number of people asked. What is "normal" for my sons isn't "normal" to me!

I understand your frustration and appreciate you taking the time to write to us. The council has discussed this topic twice in the past year. I will pass your concerns on to the council so that we can discuss possible time limits on noise within the city.

Thank you again,

Jodi Fritts-Matthey
 City Administrator
 City of Gold Beach

This electronic communication, including any attached documents, may contain



CITY OF FAIRBANKS NOISE ORDINANCE VARIANCE APPLICATION

800 Cushman Street, Fairbanks, Alaska 99701 907.459.6793

APPLICATIONS MUST BE SUBMITTED 15 DAYS PRIOR TO THE EVENT

A Noise Variance must be obtained for any activity, events, or construction that will be unduly loud, or which will occur during the hours of 11:00 p.m. to 7:00 a.m. The full noise ordinance code can be found at: www.Municode.com under "Library". Violation of the Noise Ordinance without a Noise Variance may result in the violator being charged with Disturbing the Peace, a Class B Misdemeanor - AS 1161.110(a)(1).

Procedure: The Noise Variance Request will be reviewed by the City Mayor, City Engineer/Public Works Director, and Police Chief. Decisions and responses are usually complete within 5-7 working days. You will be sent a Noise Variance letter at the contact information you have given.

1. Contact Information: Name

Company

Address

Phone(s) Email

2. \$100 Application Fee: Checks, credit cards, or cash must accompany the application when submitted. Please remit with application to the Mayor's Office at the address above.

Check No. Remittance Amount \$

Credit Card # Exp Date: / Zip:

I authorize the City of Fairbanks to charge the amount listed above -

Signature:

3. Dates variance needed: through

Hours variance needed: : : m. through : : m

4. Location description (be as specific as possible):

5. Nature of event and justification for deviation from Noise Ordinance:

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 c.

Council Hearing Date: August 13, 2012

Department: Administration and PW

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Citizen Requested Agenda Item: Water at the Community Garden

SUMMARY AND BACKGROUND:

The folks from the Community Garden (located behind the Rush Building and north of the Presbyterian Church) have made a request for an abandoned water meter to be replaced at this location and for the City to provide water to the garden.

The City of Gold Beach Business Plan:

Goal 2: Enhance Quality of Life in Gold Beach

Priority/Action Item 2: Pursue development of a community garden

The small garden has been established by community volunteers. They currently "pack" water to the garden. On-site water would definitely help them. A meter box exists at this location. According to the PW staff it would be easy to install a new meter.

May I suggest, that since this is a council goal, that we have the PW staff install the meter and monitor the water use for a month. If the water use is nominal I suggest we allow them the water—if they utilized the area at Buffington Park we would provide the water there at no cost. If it appears they are using a significant amount of water we could revisit the cost of the water.

FINANCIAL IMPACT:

There is no development at the location so an SDC charge seems excessive—especially since the City goal is to pursue development of the garden. A minimum water bill inside the city limits is \$15.85 per month for 1500 gallons—after that it is a per gallon charge. Without a dwelling or other facility here, and due to the small size of the garden it seems unlikely that they would use significantly more than the minimum. Again, if the garden were at Buffington Park the fee would be zero.

DOCUMENTS ATTACHED:

- Copy of the relevant portion of the City Business Plan

REQUESTED MOTION/ACTION:

Determination on whether to approve or deny the request.

Proposed motion: I move that the Council approve/deny the Community Garden request for a water meter and water at the garden on Hillcrest Street.

COPY OF REPORT SENT TO:

Council, Superintendent Newdall

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives		Priority/Action Items	Responsible Party	Target
GOAL 1: Achieve Fiscal Sustainability				
<ul style="list-style-type: none"> • Sufficient revenue to sustain City services at appropriate levels. • Provide competitive employee compensation. • Balanced revenue system that recognizes demands on City services by residents, businesses and visitors. • Stable, effective and accountable management. • Include sustainability considerations in purchasing decisions. • Encourage new private investment in the City. • Expedite implementation of approved development plans. 	1	Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.	CA	ONGOING
	2	Establish fiscal and budget policies for the City.	CA/CC	09/2010 03/2013
	3	Maximize long-term debt repayments.	CA	06/2011 ONGOING
	4	Improve and simplify financial reporting and monitoring. COMPLETED	CA	09/2010 COMPLETED
	5	Develop five-THREE year revenue/expenditure forecast.	CA	12/2010 03/2013
	6	BI-Annually review System Development Charges and update as needed.	CA/PWS	April annually ODD YEARS
	7	Review and update all fees annually.	CA	April annually
	8	Aggressively pursue grant funding.	CA	ONGOING
	9	Undertake comprehensive compensation and classification review and update City salary schedule. COMPLETED BUT REVISIT	CA	11/2010 REVISIT 11/2013
	10	Seek alternative energy solutions for City operations.	PWS	ONGOING
GOAL 2: Enhance Quality of Life in Gold Beach				
<ul style="list-style-type: none"> • Enhance opportunities for social interaction among citizens of the community. • Encourage the development of recreational activities and community events that benefit all ages. 	1	Pursue formation of a parks and recreation district. REVISIT DUE TO ECONOMY	CC	07/2010- 05/2011 REVISIT
	2	Pursue development of a community garden. 	CA/CC	07/2010- 05/2011 ONGOING
	3	Develop community vision and mission statement. COMPLETED BUT REVISIT IN 2015	CC	08/2010 REVISIT 2015

KEY:

CC = City Council CA = City Administrator PC = Police Chief PWS = Public Works Superintendent
 FC = Fire Chief

AGENDA ITEM 9.

**ORDINANCES &
RESOLUTIONS**

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9.

Council Hearing Date: August 13, 2012

Department: Administration and
Planning

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Resolution R1213-01 Accepting grant funding from DLCD

SUMMARY AND BACKGROUND:

The Department of Land Conservation and Development gives coastal cities a \$5000 grant annually to help with coastal planning services. This year the grant has been reduced by \$500 to \$4500. We more than match the \$5000 annually so it's an easy grant—we just submit semi-annual reports which are fairly painless. In order to receive the grant the City is required to adopt a resolution accepting the grant funds.

FINANCIAL IMPACT:

The grant provides funding for the City planning program

DOCUMENTS ATTACHED:

- The resolution and the award letter from DLCD

REQUESTED MOTION/ACTION:

Motion to approve resolution R1213-01

Proposed motion: I move that the Council approve Resolution R1213-01: a resolution accepting grant funding from the Oregon Department of Land Conservation and Development to support planning services.

COPY OF REPORT SENT TO:

Council

RESOLUTION R1213-01

A RESOLUTION ACCEPTING GRANT FUNDING FROM THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT TO SUPPORT PLANNING SERVICES

WHEREAS: The Oregon Department of Land Conservation and Development (DLCD) receives federal funding from the National Office of Ocean and Coastal Resource Management to support coastal zone management programs; and

WHEREAS: DLCD distributes these funds to small coastal cities through the Oregon Coastal Management Program; and

WHEREAS: The City of Gold Beach annually receives \$4,500 in grant funding from the Oregon Coastal Management Program to support City planning services; and

NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach, Oregon, formally requests the Coastal Management grant funding from the Oregon Department of Land Conservation and Development in the amount of \$4,500 to support City planning services and authorizes the City Administrator to accept the grant funding on behalf of the City

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 13^h day of August 2012.

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder



Oregon

John A. Kitzhaber, MD, Governor

Department of Land Conservation and Development

Oregon Coastal Management Program

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

Telephone: (503) 373-0050

Fax: (503) 378-6033

<http://www.oregon.gov/LCD/OCMP>

RECEIVED

JUL 17 2012

CITY OF GOLD BEACH



July 1, 2012

Jodi Fritts-Matthey, City Administrator
City of Gold Beach
29552 Ellensburg Ave
Gold Beach, OR 97444

Dear Jodi:

The Department of Land Conservation and Development (DLCD) is pleased to offer the City of Gold Beach a Coastal Management grant for \$4,500 to assist you in your planning needs. As announced at the Spring Network Meetings, this year, due to rising costs and shrinking funding, we unfortunately found it necessary to reduce each grant by 10%.

The enclosed grant agreement indicates the total amount of our offer and lists the standard and special conditions the City must meet. These conditions are essentially the same as the past few years. Please note the following:

1. Before signing the grant agreement, **please read the agreement and attachments carefully** as they contain the terms and conditions upon which the grant is offered. If any corrections in contact information, etc. are necessary, please make those with red ink and initial the changes. If you have any questions, please contact your assigned DLCD field representative.
2. **Sign and return both original agreements to DLCD** to my attention at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301. If you prefer, you may scan the signed document and attach it to an email to me. I will then have DLCD sign and scan and return to you the fully executed agreement. Signature of the grant declares acceptance of **all** terms and conditions in the grant agreement.
3. **In addition** to signing and returning the original agreements, the agreement **must be** accompanied by a request for the grant funding by way of a **formal letter or resolution from your City Council or Board of Commissioners**. This was a new requirement for 2008, and we are continuing this request for the 2012-2013 grant term.
5. The grant agreement is **not** in effect until the agreements **and** letter/resolution are returned to the department **and** both original agreements have been signed by DLCD.
6. A FAX will not be accepted.

Funds will be sent to you in accordance with the payment schedule in the grant agreement.

Sincerely,

Patricia L. Snow, Manager
Ocean and Coastal Management Program
Enclosure

