



**MINUTES**  
**February 11, 2013, 6:30PM**  
**CITY COUNCIL MEETING**

**Call to order:           Time: 6:31PM**

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

	Present	Absent
Mayor Karl Popoff	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:**

*a.     WWTP Project Update-Public Works Superintendent, Will Newdall*

Superintendent Will Newdall gave the update on the wastewater project. City Administrator asked the Mayor if Misc. Item 10.b.-FOG review could be moved up after the Dangerous Building hearing so that Newdall would not have to wait for the entire meeting.

*b.     Financial Update: Commissioner David Smith, Curry County*

Curry County Commissioner David Brock Smith presented financial data from the county. The county continues to have serious financial issues, especially as it relates to the General Fund and public safety. Smith said the county has had seven special meetings in the past few weeks to try and formulate a plan to fund public services. The General Fund receives approximately 2.1 million in revenue, roughly 1.4M is from taxes. The county tax rate is \$0.59 per thousand. Smith had brought financial info that he passed out and went over with the Council. Smith presented his plan for a Public Safety Levy to be on the May ballot. Lengthy discussion on county services, finances, and the proposed \$1.84 per thousand Public Safety levy.

**4.     Consent Calendar**

*None scheduled*

**5.     Citizens Comments**

*As presented to the Mayor at the beginning of the meeting*

**6.     Public Hearing**

*a.     Continuation of Dangerous Building Hearing: 29704 Shore Pine Lane*

Public Hearing opened at 7:10PM. CA Fritts presented a brief staff report. This matter had been continued from December by the Council after giving the property owner time to meet four conditions imposed by the Council to make the structure safe. Fritts said the Mayor had made a site visit and asked if he would share that information. Mayor Karl Popoff said he and City Recorder Candy Cronberger had made a site visit and noted the following: he said work had been done and that siding had been replaced in order to prevent transients from squatting in the structure any longer. He said he was concerned that the structure could even

be rehabilitated. Fritts said the building did not have to be perfect but just made safe. Mayor Popoff asked Cronberger if she would share her thoughts. Cronberger said the siding had been put up and most of the holes had been covered up, the garage door had been re-installed, there was chain around the front door, most of the trash on the inside had been cleared, there was still a hole along the foundation that could encourage critters. She said she didn't remember any No Trespassing signs. The Mayor asked if the owner Mr. Butler would speak.

Butler said the north and west sides had been finished but there was the hole as noted by Cronberger. Butler said any trash would be removed before he left to go back home to California. He said there are No Trespassing signs posted. He said the neighbors seemed happy about the work being done. Fritts asked if Butler had appointed a local person to be contact—Butler said that neighbor, Scott Donaca would be the contact person. Butler said he was making a sincere effort to clean up the property. Butler asked if could have a little more time to finish the work. Public Hearing closed at 7:20PM. Fritts said the resolution regarding the Dangerous Building status would be later in the meeting.

ITEM MOVED UP: Final FOG Review

Superintendent Newdall asked if the Council was familiar with FOG acronym. Councilor Tamie Kaufman asked Newdall if all the restaurants were aware of the ordinance—that this won't be a surprise? Newdall said yes, in 2008 all restaurants and government facilities were personally visited and the requirements discussed with them at that time. Any subsequent restaurants that opened were made to comply when they opened. The older facilities have to be brought into compliance now. General review of the proposed ordinance—typos, etc. Councilor Kaufman shared her corrections.

Councilor Kaufman asked CA Fritts if she wanted to discuss the questions Fritts had put in report. Fritts said she wanted direction from the Council on the areas she had highlighted in the report. Discussion about compliance time line and proposed ways to finance the improvements for property owners. Newdall discussed different types of interceptors—some can be installed within the businesses, other larger ones have to be installed outside the structure under parking lots, etc. It depends on the type of business—type and number of meals. Further discussion on compliance timelines. The goal is to have all businesses in compliance by summer 2014. General discussion about businesses that already have inceptors—most businesses in the past 5-6 years are already in compliance. Newdall says they know the businesses that contribute FOG because they see it in the conveyance system and the pump stations. Newdall says maintenance of the inceptors is just as important as the installation—if they aren't maintained it won't keep the FOG out of the system.

*b. Initial OLCC Liquor License Request: Corner Drug & Gifts*

Public hearing opened at 7:35PM. CA Fritts said this was a request to apply for an OLCC permit for off-premises sales. Fritts said the local background check by the police department came back fine. Public hearing closed at 7:37PM

**MOTION: Councilor Doug Brand made the motion to recommend that the OLCC grant the request by Tim Yantis of Corner Drug for a liquor license for off-premise retail sales. Councilor Brice Gregory seconded the motion.**

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion.  
 Mayor Popoff called the question.

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

c. *Initial OLCC Liquor License Request: Gold Beach Resort*

Public hearing opened at 7:37PM. Fritts said this was the same request as Corner Drug.  
 Public hearing closed at 7:38PM

**MOTION: Councilor Doug Brand made the motion to recommend that the OLCC grant the request by Angels Management Inc.-Gold Beach Resort for a liquor license for off-premise retail sales. Councilor Larry Brennan seconded the motion.**

Mayor Karl Popoff asked if there was any discussion or debate. No further discussion.  
 Mayor Popoff called the question.

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

7. *Citizen Requested Agenda Items*  
 None scheduled

8. *Public Contracts and Purchasing*  
 None scheduled

9. *Ordinances & Resolutions*

a. *Resolution R1213-06, a resolution regarding the Dangerous Building determination of 29704 Shore Pine Lane*

CA Fritts said she had included two versions of the resolution: it IS a dangerous building, or it is NOT a dangerous building.

**MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1213-06, the version that is NOT a Dangerous Building. Councilor Brice Gregory seconded the motion.**

Mayor Karl Popoff asked if there was any discussion or debate. Councilor Brennan asked if the Council finds that it is NOT a dangerous building will that be the end of the Council involvement or does the matter continue? CA Fritts said staff would then continue to monitor the situation. She said the resolution is only the finding that it is

**not a Dangerous Building by code but it could still be a Nuisance Code violation that staff will monitor. No further discussion. Mayor Popoff called the question.**

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

*b. Second reading Ordinance 645, amending ordinance 637 (Urban Renewal)*

**MOTION: Councilor Larry Brennan made the motion to adopt Ordinance 645 amending Ordinance 637 and approve the seconding reading of the ordinance by title only. Councilor Tamie Kaufman seconded the motion.**

**Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.**

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

*c. Resolution R1213-08 codifying water and sewer rate resolutions*

CA Fritts said that when the City fees were updated last fall the utility rates were not within that resolution. The utility rates are in several resolutions. This resolution will codify all the utility rates into one resolution. This resolution does NOT change current rates. General discussion about utility rates. Council preferred that rates be codified into the general city fee resolution. Fritts said she would bring that resolution back at the next meeting.

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

*a. Interview potential Urban Renewal Citizen Committee member*

Mayor Popoff said he was unfamiliar with this process and in the past interviews were conducted during a special meeting. CA Fritts said that there would be no appointment tonight, this was an interview only.

The Council interviewed candidate Beth Barker-Hildalgo.

*b. Final FOG review*

Addressed earlier in agenda.

*c. Water Maintenance Rate policy discussion*

CA Fritts said she has brought this matter to the Council out of desperation. Fritts said she looked through the City's ordinances and resolutions and was unable to find a policy about why the City has this rate. She asked other City's how they address utility accounts of non-users or snow-birds. All the City's that responded said they had similar issues with enforcement and collection. The rate is troublesome because when snow-birds return they often do not notify the front office and then they are not billed for the water used until it is discovered by staff accidentally that they are back in town. There is been a lot of grumbling from customers because they feel it is not fair to charge them when they are not here. Fritts disagreed. She said the electric, phone, and TV utilities do not offer a snow-bird/absent grace time of no charging so why is the City. She noted that other small towns like ours also have second/vacation homes and they all stated if they did not charge those customers it would have a significant negative impact on revenue. Most of those cities do not offer a vacation rate. She requested that the Council eliminate the maintenance/vacation rate entirely. Snow-birds/non-users will just receive a minimum monthly bill of \$15.85 she did not feel that was an unreasonable rate. This will reduce the loss of revenue and be easier to track in the billing system and for Public Works staff.

General discussion about the rate--how/when did it start, how many customers have this rate, etc. Fritts said if the Council decided not to eliminate the rate then she would like to request a formal process be put in place where the customer has to sign a document and then the meter gets locked so that way people don't come back to town and start using water without informing us. She would prefer to not have that process and eliminate the rate. Councilor Kaufman felt that part of the utility fee is the capacity of the system and maintenance of the infrastructure not just the cost of the water used. Councilor Kaufman asked that the removal of the rate be included in the rate resolution next month.

*d. Ethics training for commission members*

CA Fritts said the City Administrative Policies state that all employees and volunteers must complete annual ethics training. However, there is no timeline on when it must be completed. Fritts said she did not think it was unreasonable to ask volunteers to complete the annual training by the end of March. One planning commission member is refusing the training and has even stated it is a waste of City resources. Fritts asked the Council what they would like her to do with City volunteers that refuse to take the required training. Councilor Brand suggested a 30-day compliance letter. If they don't comply there is progressive discipline up to and including removal. Discussion about the compliance and enforcement of the policy. Council gave the direction that if the required training is not completed by March 31<sup>st</sup> a letter will be sent allowing the volunteer 30 days to complete the training or removal proceedings will be initiated.

*e. Upcoming meetings and trainings*

Meetings and trainings listed in the agenda report that are coming up in the next month.

**II. City Administrator's Report**

CA Fritts presented her monthly report which is attached to this report. Police Chief Dixon Andrews presented a plaque that the police department received from the Oregon Special Olympics for funds that the PD help raise for Special Olympics and also volunteer time that Chief Andrews has devoted to the organization including the Law Enforcement Torch Run.

12. **Mayor and Council Member Comments**  
 a. Mayor Karl Popoff: Attended a DeFazio meeting on river dredging  
 b. Councilors  
 1) Jeff Crook: Absent  
 2) Larry Brennan: Nothing at this time  
 3) Brice Gregory: Congratulated Chief Andrews on the award  
 4) Doug Brand: Nothing at this time  
 5) Tamie Kaufman: Would like CA salary put on next agenda since Fritts has completed her Local Government Manager Certificate  
 c. *Student Liaison, Vacant*
13. **Citizens Comments**  
*As presented to the Mayor at the beginning of the meeting*
14. **Executive Session**  
*None scheduled*

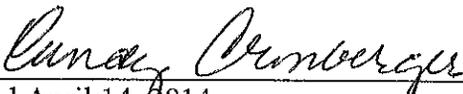
*The next scheduled meeting of the Gold Beach City Council is Monday, March 11, 2013, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.*

**MOTION: Councilor Larry Brennan made the motion to adjourn. Councilor Doug Brand seconded the motion.**

**Mayor Karl Popoff asked if there was any discussion or debate. No further discussion. Mayor Popoff called the question.**

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		
<b>MOTION CARRIES 3 to 1</b>			

15. **Adjourn Time: 8:44PM**

  
 \_\_\_\_\_  
 Approved April 14, 2014  
 Candy Cronberger, City Recorder

ATTACHMENT TO THE MINUTES FOR  
FEBRUARY 11, 2013

ORIGINAL COUNCIL AGENDA PACKET



**AGENDA**

**February 11, 2013, 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 Karl Popoff		
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:**

- a.     WWTP Project Update-Public Works Super, Will Newdall
- b.     Financial Update: Commissioner David Smith, Curry County

**4.     Consent Calendar**

None scheduled

**5.     Citizens Comments**

As presented to the Mayor at the beginning of the meeting

**6.     Public Hearing**

- a.     Continuation of Dangerous Building Hearing: 29704 Shore Pine Lane
- b.     Initial OLCC Liquor License Request: Corner Drug & Gifts
- c.     Initial OLCC Liquor License Request: Gold Beach Resort

**7.     Citizen Requested Agenda Items**

None scheduled

**8.     Public Contracts and Purchasing**

None scheduled

**9.     Ordinances & Resolutions**

- a.     Resolution R1213-06, a resolution regarding the Dangerous Building determination of 29704 Shore Pine Lane
- b.     Second reading Ordinance 645, amending ordinance 637 (Urban Renewal)
- c.     Resolution R1213-08 codifying water and sewer rate resolutions

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

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

- a. Interview potential Urban Renewal Citizen Committee member
- b. Final FOG review
- c. Water Maintenance Rate policy discussion
- d. Ethics training for commission members
- e. Upcoming meetings and trainings

**11. City Administrator's Report**

Will be presented at meeting

**12. Mayor and Council Member Comments**

- a. Mayor Karl Popoff
- b. Councilors
  - 1) Jeff Crook
  - 2) Larry Brennan
  - 3) Brice Gregory
  - 4) Doug Brand
  - 5) Tamie Kaufman
- c. Student Liaison, Vacant

**13. Citizens Comments**

As presented to the Mayor at the beginning of the meeting

**14. Executive Session**

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, March 11, 2013, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

**15. Adjourn Time: \_\_\_\_\_**

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

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# 3. SPECIAL ORDERS OF BUSINESS

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 3 b.

Council Hearing Date: February 11, 2013

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Department: Council

Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Financial Update from Commissioner David Smith**

**SUMMARY AND BACKGROUND:**

Curry County Commissioner David Smith would like to discuss the Curry County financial situation to keep the Council and Mayor informed and seeks input on possible solutions.

**FINANCIAL IMPACT:**

None at this time but could impact the City in the near future

**DOCUMENTS ATTACHED:**

- None

**REQUESTED MOTION/ACTION:**

None at this time.

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council and Commissioner Smith



# 6. PUBLIC HEARING

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 a.

Council Hearing Date: February 11, 2013

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Department: Administration and Police

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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## **TITLE: Dangerous Building Hearing : 29704 Shore Pine Lane**

### **SUMMARY AND BACKGROUND:**

**FEBRUARY UPDATE:** At the December hearing the Council continued the hearing to February to allow the property owner time to complete the following:

- 1) **Patch holes in the exterior siding and secure entry points into the structure; and**
- 2) **Post No Trespassing signs on the exterior of the building; and**
- 3) **Appoint a local responsible party that we can contact for issues related to the property; and**
- 4) **Remove the trash and debris from the interior of the structure.**

A site visit was conducted by staff on Friday, February 7<sup>th</sup> to verify if the conditions have been met. It does not appear that much has been accomplished. The exterior siding still has large holes which would be entry points. There has been plywood installed but I believe that the plywood installed by the Public Works staff. A friend of the owner was there working when we arrived and said he expected the owner today and that he would be present for the hearing Monday. Looking through the rear window it appeared that the debris in the kitchen area has been removed. The garage area is full of debris. Some progress has been made but not a lot. Staff will conduct another site visit Monday prior to the hearing in the hopes that owner will be able to finish the required work.

**DECEMBER REPORT:** This matter came before the Council at the November as a request for a public hearing. The public hearing date was set and advertised for this meeting. A notice was sent to the owner in California and two notices were published in the newspaper.

Code Section 5.370 states (in part): *"...At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. As such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe."*

I will be conducting a site visit the day of the hearing to determine whether anything has changed since the November meeting when this was first introduced. I will take new photographs at that time to present to the Council.

To date, I have heard nothing from the owner Richard Butler. I do not know if he will be attending the hearing.

**FINANCIAL IMPACT:**

None at this time. There may be costs incurred if it is determined that City must abate the building.

**DOCUMENTS ATTACHED:**

- December 18, 2012 letter to the owner
- Draft Resolutions for Dangerous/Not Dangerous Determination

**REQUESTED MOTION/ACTION:**

**After the Monday site visit and the resumption of the hearing, the Council must determine whether the building is dangerous or has been made relatively safe and therefore does not meet the definition of dangerous.**

There are several actions that should occur:

- 1) **A determination, by motion, whether the building is dangerous or not.**
- 2) **Adopt the resolution regarding the determination.**
- 3) **How to proceed if the building is determined to be dangerous.**

**1a) Proposed Motion if the building is determined to be dangerous:**

I make the motion that the building located at 29704 Shore Pine Lane meets the City Code definition of dangerous building under code section 5.350(1) (a, b, c, d depending on what the Council determines) and is hereby declared a dangerous building.

**1b) Proposed Motion if the building is NOT determined to be dangerous:**

I make the motion that the building located at 29704 Shore Pine Lane does not meet the City Code definition of dangerous building under code section 5.350(1).

**2) Depending on what the Council determines the resolution accompanying that decision should be adopted:**

I make the motion to adopt Resolution R1213-06, a resolution regarding the dangerous building determination of the building located at 29704 Shore Pine Lane.

**3) If dangerous, how to proceed: Abatement? Removal? Make the building safe by doing what?**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council, PD and PW



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)

Administration: 541-247-7029 • Police: 541-247-6671

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

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December 18, 2012

Richard Butler  
PO Box 883  
Yreka, CA 96097

**RE: 29704 Shore Pine Lane**

Dear Mr. Butler:

This is a follow-up to the city council hearing on December 10<sup>th</sup>. Thank you for attending the meeting and giving us information about your property. At the hearing, the Council made the following determination: the dangerous building hearing would be continued until February 11<sup>th</sup> to allow you time to:

- 1) **Patch holes in the exterior siding and secure entry points into the structure;**  
**and**
- 2) **Post No Trespassing signs on the exterior of the building; and**
- 3) **Appoint a local responsible party that we can contact for issues related to the property; and**
- 4) **Remove the trash and debris from the interior of the structure.**

If you have any questions regarding this punch list please contact me. Again, thank you for your attention to this matter.

Sincerely,

Jodi Pritts

City Administrator

[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting the 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.*

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 6 b.

Council Hearing Date: February 11, 2013

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Department: Administration and Council      Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Initial OLCC Liquor License Request-Corner Drug**

**SUMMARY AND BACKGROUND:**

The Oregon Liquor Control Commission requires applicants to obtain City approval for granting of a license to serve alcohol. The applicants are requesting the Council recommend granting them approval for Off-Premise retail sales. The applicants have submitted the required forms and license fee. The Police Department has reviewed the application and found no adverse information which would prohibit issuance of the license.

**FINANCIAL IMPACT:**

None

**DOCUMENTS ATTACHED:**

- City liquor license review form

**REQUESTED MOTION/ACTION:**

**Grant or deny the request**

**I make the motion to recommend that the OLCC GRANT/DENY the request by Tim Yantis of Corner Drug for a liquor license for off-premise retail liquor sales.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

www.goldbeachoregon.gov

Administration: 541-247-7029 • Police: 541-247-6671

Visitor Center 541-247-7526 • www.goldbeach.org

Application

Liquor License

Circle: Temporary New Renewal Change

BACKGROUND: TIMOTHY L. YANTIS - Corner Drug  
Name of Person and Business Applying

has applied for a renewal of an OLCC Class Code 11 Liquor License. *retail sales*

Investigation reveals no adverse information which would prohibit issuance of this permit.

RECOMMENDATION:

Approval of Application

Cost:	NEW	✓\$100.00
	CHANGE	\$ 75.00
	RENEWAL	\$ 35.00
	TEMPORARY	\$ 35.00

Aail Whitmore, 314 02/04/13  
Signature

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the 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.

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 6 c.

Council Hearing Date: February 11, 2013

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Department: Administration and Council    Contact/Title: Jodi Fritts, CA  
Email: jfritts@goldbeachoregon.gov

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**TITLE: Initial OLCC Liquor License Request-Gold Beach Resort**

**SUMMARY AND BACKGROUND:**

The Oregon Liquor Control Commission requires applicants to obtain City approval for granting of a license to serve alcohol. The applicants are requesting the Council recommend granting them approval for Off-Premise retail sales. The applicants have submitted the required forms and license fee. The Police Department has reviewed the application and found no adverse information which would prohibit issuance of the license.

**FINANCIAL IMPACT:**

None

**DOCUMENTS ATTACHED:**

- City liquor license review form

**REQUESTED MOTION/ACTION:**

**Grant or deny the request**

**I make the motion to recommend that the OLCC GRANT/DENY the request by Angel's Management Inc.-Gold Beach Resort for a liquor license for off-premise retail liquor sales.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)

Administration: 541-247-7029 • Police: 541-247-6671

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

Application

Liquor License

Circle:      Temporary      New      Renewal      Change

BACKGROUND: Angels Management — Gold Beach Resort  
Name of Person and Business Applying

has applied for a renewal of an OLCC Class Code 11 Liquor License. *retail sales*

Investigation reveals no adverse information which would prohibit issuance of this permit.

RECOMMENDATION:

Approval of Application

Cost:	NEW	\$100.00 ✓
	CHANGE	\$ 75.00
	RENEWAL	\$ 35.00
	TEMPORARY	\$ 35.00

*Hail Whitmore*  
Signature

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting the 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.*



January 30, 2013

Gold Beach Resort would like to request that the "Board" sign off on an OLCC license for our company. The purpose of the license is to provide wine, for purchase, to our guests. Customers would not be served alcohol at the business.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Tammie White". The signature is fluid and cursive, with the first name being more prominent.

Tammie White

Manager

Gold Beach Resort



# 9. ORDINANCES & RESOLUTIONS

***IS NOT A DANGEROUS BLDG***  
**RESOLUTION R1213-06**

**A RESOLUTION REGARDING THE DANGEROUS BUILDING  
DETERMINATION OF A BUILDING LOCATED AT  
29704 SHORE PINE LANE**

**WHEREAS**, a Dangerous Building Hearing was held on December 10, 2012, pursuant City Code Section 5.370; and

**WHEREAS**, notice was given of the hearing to the owner(s) of the property located at 29704 Shore Pine Lane, Assessor Map number 3615-DC tax lot 600, according to the above referenced code section; and

**WHEREAS**, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

**WHEREAS**, the Council continued the hearing until February 11, 2013, to allow the property owner time to address deficiencies the Council noted in the maintenance of the structure; and

**WHEREAS**, at the resumption of the public hearing on February 11, 2013, the Council found that the building located at 29704 Shore Pine Lane **did not** meet the definition of Dangerous Building as defined in Section 5.350(1) and therefore could not be deemed "dangerous".

**NOW, THEREFORE, BE IT** resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is not a Dangerous Building as defined by City Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11<sup>th</sup> DAY OF FEBRUARY 2013.

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

**IS A DANGEROUS BLDG**

**RESOLUTION R1213-06**

**A RESOLUTION REGARDING THE DANGEROUS BUILDING  
DETERMINATION OF A BUILDING LOCATED AT  
29704 SHORE PINE LANE**

**WHEREAS**, a Dangerous Building Hearing was held on December 10, 2012, pursuant City Code Section 5.370; and

**WHEREAS**, notice was given of the hearing to the owner(s) of the property located at 29704 Shore Pine Lane, Assessor Map number 3615-DC tax lot 600, according to the above referenced code section; and

**WHEREAS**, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

**WHEREAS**, the Council continued the hearing until February 11, 2013, to all the property owner time to address deficiencies the Council noted in the maintenance of the structure; and

**WHEREAS**, at the resumption of the public hearing on February 11, 2013, the Council found that the building located at 29704 Shore Pine Lane **met** the definition of Dangerous Building as defined in Section 5.350(1) and therefore is deemed "dangerous".

**NOW, THEREFORE, BE IT** resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is a Dangerous Building as defined by City Code.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11<sup>th</sup> DAY OF FEBRUARY 2013.**

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

# **GOLD BEACH CITY COUNCIL AGENDA REPORT**



Agenda Item No. 9 b.

Council Hearing Date: February 11, 2013

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Department: Administration and Council    Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

---

## **TITLE: Second Reading Ordinance 645 amending Ordinance 637 Urban Renewal Membership**

### **SUMMARY AND BACKGROUND:**

The first reading of Ordinance 645 occurred at the January meeting. There was a question at that time about whether the Council had the authority to alter the makeup of the Urban Renewal Agency. The City Charter Section 4 states: *the city has all powers that the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.* The Charter grants the council authority to enact or repeal ordinances (laws).

ORS 457.055 provides that any time after adoption of the ordinance creating the urban renewal district, *"the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any other body authorized to exercise those powers ... All duties and obligations of the urban renewal agency shall thereafter be assumed by the body to which those powers are transferred."*

Attached is the legal opinion from City Counsel Sommers regarding the authority to transfer the powers of the URA from one body to another.

**JANUARY AGENDA REPORT:** At the December meeting the Council directed me to prepare an amendment to the Urban Renewal Ordinance (637) to change the membership of the agency. The direction was the council was to become the agency and a four person citizen advisory committee would also be formed.

### **FINANCIAL IMPACT:**

None at this time

### **DOCUMENTS ATTACHED:**

- Copy of Ordinance 645
- City Counsel Sommers legal opinion

### **REQUESTED MOTION/ACTION:**

**The first reading of Ordinance 645 occurred at the January meeting.**

**Second Reading Suggested Motion:**

**I move that the Council adopt Ordinance No. 645, amending Ordinance No. 637, and approve the second reading of the ordinance by title only.**

If the motion is approved, the City Administrator will read the ordinance title into the record. The ordinance is enacted and becomes effective on the 30<sup>th</sup> day after enactment.

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

**ORDINANCE NO. 645**

**AN ORDINANCE AMENDING ORDINANCE 637  
WHICH CREATED THE GOLD BEACH URBAN RENEWAL AGENCY**

**WHEREAS**, in 2010 the City Council recognized the need for the formation of an urban renewal agency; and

**WHEREAS**, the City Council, by Ordinance 637 created the Gold Beach Urban Renewal Agency; and

**WHEREAS**, after the completion and review of an Urban Renewal Feasibility Study, the City Council voted to proceed with the development of an Urban Renewal Plan; and

**WHEREAS**, Ordinance 637, Section 4, detailed the membership of the Urban Renewal Agency; and

**WHEREAS**, the City Council determined the membership of the Gold Beach Urban Renewal Agency should be modified.

**NOW, THEREFORE**, the City of Gold Beach Ordains as follows:

Section 4: Membership of Ordinance 637 shall be repealed and replaced with the following:

Section 4: Membership:

- (1) City Council: The Gold Beach Urban Renewal Agency shall be comprised of the five (5) standing members of the City Council. The term of office for each Urban Renewal Agency member shall be concurrent with that member's term of office as a city councilor.
- (2) Citizens: A four (4) person Citizen Advisory Committee shall be appointed to serve with the Agency in an advisory capacity. Three (3) members shall be residents of the City of Gold Beach. One member may live outside the city limits but within the Gold Beach Urban Growth Boundary.
- (3) Term of Office: The Citizen Advisory Committee members shall be appointed by the Mayor with majority approval of the City Council. The term of office of each citizen member shall be for a period of four (4) years. Notwithstanding any other provision of this ordinance, two (2) citizen members appointed in 2013 shall serve a term of two (2) years, and two citizen members appointed in 2013 shall serve a term of four (4) years.
- (4) Removal: A Citizen Advisory Committee member who engages in misconduct may be removed by the Mayor and Council after a 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 majority approval of the Council, a replacement member to fill that position.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on this 11<sup>th</sup> day of February 2013.

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Fritts, City Administrator

First Reading: January 14, 2013  
Aye: 5      Nay: 0  
Second Reading: February 11, 2013  
Aye \_\_\_\_\_ Nay \_\_\_\_\_

\_\_\_\_\_  
Candy Cronberger, City Recorder

## Jodi Fritts

---

**From:** Lauren Sommers <lauren@speerhoyt.com>  
**Sent:** Thursday, January 24, 2013 4:40 PM  
**To:** Jodi Fritts  
**Subject:** Urban Renewal Agency Powers

Jodi,

You asked whether the City Council has the authority to transfer the powers of the City's urban renewal agency from one body to another. The short answer is yes.

The powers of an urban renewal agency may be exercised by any of the following bodies: 1) a housing authority; 2) an appointed board or commission composed of at least three members; or 3) the city council. When the City creates an urban renewal agency, it must designate the body with the power to exercise the authority of the agency, but the City can later transfer that authority to a different body. ORS 457.055 provides that any time after adoption of the ordinance creating the urban renewal district, "the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any other body authorized to exercise those powers ... All duties and obligations of the urban renewal agency shall thereafter be assumed by the body to which those powers are transferred." In other words, ORS 457.055 gives the Council the authority to transfer the powers of the urban renewal agency to a new board, as long as the board is one of the three types of bodies allowed by statute to exercise the powers of an urban renewal agency.

In 2010, the City adopted Ordinance No. 637, which created the Gold Beach Urban Renewal Agency and designated an appointed body consisting of a mix of citizens and city personnel to function as the Urban Renewal Agency's board. The Council is currently considering the adoption of Ordinance No. 645, which would transfer the powers of the Urban Renewal Agency from the board created by Ordinance No. 637 to the Council itself. The transfer of authority from the current board to the Council is clearly allowed by ORS 457.055.

Please let me know if you have questions or concerns about any of this.

Lauren

*Lauren Sommers*

Local Government Law Group P.C.

A Member of Speer Hoyt LLC

975 Oak Street, Suite 700

Eugene, OR 97401

Telephone: (541) 485-5151

Fax: (541) 485-5168

[lauren@speerhoyt.com](mailto:lauren@speerhoyt.com)

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 c.

Council Hearing Date: February 11, 2013

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Department: Administration and Finance    Contact/Title: Jodi Fritts, CA  
Email: jfritts@goldbeachoregon.gov

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**TITLE: Resolution R1213-08 Water and Sewer Utility Rate Codification**

**SUMMARY AND BACKGROUND:**

Currently there are three different resolutions adopted at different times that regulate water and sewer utility rates. For the sake of clarity the rates should be codified into a single document. This will help with tracking the resolution and help prevent mistakes in the future. Additionally, there is currently no inflation factor built into the water rate structure. The sewer rates have an inflation factor based on the Municipal Cost Index and are updated in July annually. The rates in the resolution are the *CURRENT* rates and do not reflect any increases at this time.

**FINANCIAL IMPACT:**

Continuation of current revenue rates

**DOCUMENTS ATTACHED:**

- Resolution R1213-08

**REQUESTED MOTION/ACTION:**

**Approve or deny R1213-08**

**Suggested Motion:**

**I make the motion to APPROVE/DENY Resolution R1213-08, a resolution setting water and sewer rates and implementing an annual inflation adjustment rate and repealing resolution R1011-30 and R0809-08 and any other resolutions that may be in conflict.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

**RESOLUTION R1213-08**

**A RESOLUTION SETTING WATER & SEWER RATES AND IMPLEMENTING AN ANNUAL INFLATION ADJUSTMENT RATE AND REPEALING RESOLUTION R1011-30 & R0809-08 AND ANY OTHER RESOLUTIONS THAT MAY BE IN CONFLICT**

**WHEREAS**, The City of Gold Beach provides water and sewer utility services for businesses, agencies, and private residents within the Gold Beach city limits, and water service within the Urban Growth Boundary; and

**WHEREAS**, the City of Gold Beach Utility Code Sections 3.125 & 3.400 grant the City Council exclusive control over and regulation of water and sewer use charges, including the authority to review, and by resolution, to set or change charges; and

**WHEREAS**, the City Council has determined that annual rate adjustments are necessary to keep pace with inflation; and

**WHEREAS**, the current utility rates are contained in various resolutions and are not currently codified into a single document; and

**WHEREAS**, the Council has determined that a single utility rate resolution would help eliminate possible confusion and create greater billing efficiency.

**NOW, THEREFORE, BE IT RESOLVED** that in order to maintain financially sustainable water and sewer utility systems, the City Council for the City of Gold Beach hereby authorizes annual revenue adjustments, based on the Municipal Cost Index published by American City and County, for the City of Gold Beach Water and Sewer Utility Funds beginning July 1, 2013.

**BE IT FURTHER RESOLVED** the City Council of the City of Gold Beach, Oregon, adopts the codified utility rate schedule attached to this resolution as EXHIBIT A and hereby repeals Resolution R1011-30 and 0809-08 and any other resolutions that may be in conflict.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, AND EFFECTIVE THIS 11<sup>TH</sup> DAY OF FEBRUARY 2013.

ATTEST:

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Karl Popoff, Mayor

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Candy Cronberger, City Recorder

**RESOLUTION R1213-08 EXHIBIT A**

**WATER AND SEWER UTILITY RATES including reserve and debt service**

<b>WATER</b>	<b>BASE RATE</b>
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<b>Inside City Residential</b>	\$ 15.85	First 1500 Gallons
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<b>Outside City Residential</b>	\$ 17.47	First 1500 Gallons
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<b>Inside City Commercial</b>	\$ 21.85	First 3000 Gallons
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<b>Outside City Commercial</b>	\$ 24.38	First 3000 Gallons
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**\*\*Rates will be adjusted annually on July 1 based on the prior 12 month Municipal Cost Index average**

<b>SEWER</b>	<b>RATE</b>
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<b>Sewer Utility</b>	\$ 20.60	Per EDU/ERU	Monthly sewer usage fee
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<b>Sewer Reserve</b>	\$ 3.00	Per Account	Reserve fund for Sewer maintenance
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<b>WWTP Debt Service</b>	\$ 20.00	PER EDU/ERU	Debt service for WWTP plant
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<b>Sewer Line 101 Debt Service</b>	\$ 6.00	PER EDU/ERU	Debt service for Hwy 101 main sewer line improvements in completed in 2005
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**\*\*Sewer Utility rate will be adjusted annually on July 1 based on the prior 12 month Municipal Cost Index average**



**10.**  
**MISC ITEMS**  
**(INCLUDING POLICY DISCUSSIONS &**  
**DETERMINATIONS)**

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: February 11, 2013

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Department: Administration and Council    Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Interview Potential Urban Renewal Citizen Advisory Committee Member and Review Draft Appointments Resolution**

**SUMMARY AND BACKGROUND:**

The second reading of Ordinance 645 amending the membership of the Urban Renewal Agency will occur tonight. The new make-up of the agency will include a four member citizen advisory committee. Two members (Karen Richmond and Sandra Vieira) of the current agency would like to be appointed as citizen members. An additional citizen, Beth Barker-Hidalgo, has submitted an application for consideration. Her application is attached.

**FINANCIAL IMPACT:**

None at this time

**DOCUMENTS ATTACHED:**

- Barker-Hidalgo application
- Draft Citizen Advisory Committee appointment resolution

**REQUESTED MOTION/ACTION:**

**Interview and consideration of members for the advisory committee. Review and suggested changes of draft appointment resolution R1213-09.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council



CITY OF GOLD BEACH APPLICATION FOR APPOINTMENT TO BOARD, COMMISSION OR COMMITTEE

I am interested in serving as a member of the Gold Beach Urban Renewal Agency

Position # \_\_\_\_\_

Name: Beth Barker-Hidalgo

Mailing Address: [REDACTED] Gold Beach, OR 97444

Resident Address (if different from above): \_\_\_\_\_

Home Phone: [REDACTED] Work Phone: \_\_\_\_\_

Current Employment: Self-employed

Your area of interest: Emergency Management, Econ. Dev., Youth

Why do you want to serve: I am invested in assisting the community in a positive manner

Previous service in this appointed position or a similar position: \_\_\_\_\_

Other volunteer activities: CPTI Board of Directors, Curry County Transit Fund Advisory, G.B. Senior Center

Does your schedule allow you to attend daytime meetings? Yes

Does your schedule allow you to attend nighttime meetings? Yes

Does your schedule limit the days you could attend meetings? No

RECEIVED

JAN 16 2013

CITY OF GOLD BEACH

Additional comments: I look forward to serving the  
Community in any way I can.

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A copy of my Oregon Driver's License # \_\_\_\_\_ is attached.

By my signature below, I certify that I meet the requirements listed below for this vacant position. I also understand my residency may be verified.

**Requirements:**

**City Council Position:** Resident of City of Gold Beach for one year prior to appointment.

**Planning Commission:** Four members must be city residents; one member can reside within the Urban Growth Boundary.

**Budget Committee:** Resident of City of Gold Beach.

**Promo Committee:** Two members chosen from Chamber; two members chosen from GB Motel Owners Association; one member at large, directly involved with the tourist industry and chosen by the City Council.

*Bill Barker-Hodges*

**RESOLUTION R1213-09**

**A RESOLUTION CONFIRMING APPOINTMENTS TO THE URBAN  
RENEWAL CITIZEN ADVISORY COMMITTEE AND  
SETTING TERMS OF OFFICE**

**WHEREAS:** The appointment and term of office procedures are set forth in Ordinance #645, Section 4, adopted February 11, 2013; and

**WHEREAS:** Four vacancies currently exist on the Citizen Advisory Committee; and

**WHEREAS:** Interested persons have previously served on the Urban Renewal Agency board or have submitted an application for review by the Council & Mayor.

**NOW, THEREFORE, BE IT RESOLVED** that the Gold Beach City Council hereby appoints:

**Karen Richmond to fill vacant Position #1, term to expire December 31, 2017**

**Sandra Vieira to fill vacant Position #2, term to expire December 31, 2015**

**Beth Barker-Hidalgo to fill vacant Position #3, term to expire December 31, 2017**

**Position #4, term to expire December 31, 2015 is VACANT**

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11<sup>th</sup> DAY OF MARCH, 2013.**

ATTEST:

\_\_\_\_\_  
Karl Popoff, Mayor

\_\_\_\_\_  
Candy Cronberger, City Recorder

RESOLUTION R1112-24

**A RESOLUTION CONFIRMING APPOINTMENTS TO THE URBAN  
RENEWAL AGENCY AND SETTING TERM OF OFFICE**

- WHEREAS:** The appointment and term of office procedures are set forth in Ordinance #637 adopted July 26<sup>th</sup>, 2010, Section 4; and
- WHEREAS:** One vacancy currently exists on the Urban Renewal Agency; and
- WHEREAS:** Interested persons have submitted an application for review by the Council & Mayor.

**NOW, THEREFORE, BE IT RESOLVED** that the Gold Beach City Council hereby appoints:

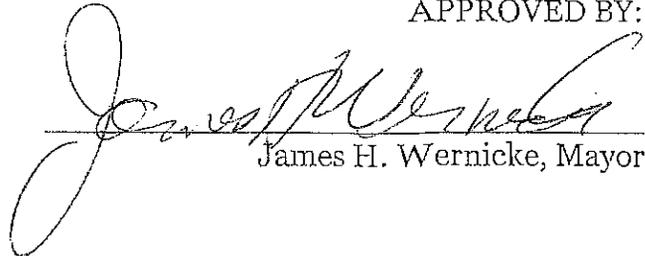
**Karen Richmond to fill vacant Position #1 on the Gold Beach Urban Renewal Agency, term to expire December 21, 2014 and;**

**Reaffirms the previous appointments of:**

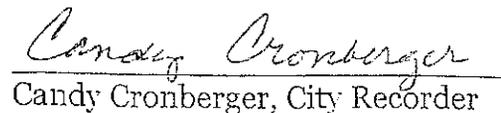
Laurie H. Brand to Position #2	expires December 31, 2012
Katherine Valentino to Position #3	expires December 31, 2014
Sandra Vieira to Position #4	expires December 21, 2012

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 13<sup>th</sup> DAY OF FEBRUARY, 2012.

APPROVED BY:

  
James H. Wernicke, Mayor

ATTEST:

  
Candy Cronberger, City Recorder

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. b.

Council Hearing Date: February 11, 2013

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Department: Public Works

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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## **TITLE: Final FOG Draft Ordinance Review**

### **SUMMARY AND BACKGROUND:**

I provided a draft FOG ordinance at the January meeting. I would like a final review of the draft so that we can put the first reading on the March agenda. There are a few questions we need to answer. Specifically: on page 11: how long will we give businesses to comply? And second, on page 12: what will the penalty for non-compliance be? We are trying to include penalties in the fee resolution so the ordinances do not have to be re-adopted for each fee change so this section should reflect that.

**JANUARY REPORT:** As we get closer to putting our new WWTP online we need to address this issue. I am attaching some photos of what FOG looks like in the plant. It's pretty nasty stuff and we need to keep it out of the new plant.

I sent the draft ordinance from CIS to the attorney for her review. She crafted a different document that she feels provides better protection and specificity.

We originally discussed this issue in June:

*FROM JUNE REPORT: FOG stands for Fat, Oil and Grease. Commercial and Industrial sewer users are required to have what is referred to as a Grease Trap on their drains in order to prevent FOG from entering the sewer system and causing harm.*

*The City first study this problem in 2007 and in 2009 discussed with the various restaurants and commercial kitchens in town the need to come into compliance with DEQ requirements for discharge to our wastewater system. The City did not aggressively pursue enforcement due the needed improvements to our wastewater system at that time. However, the new plant will be going online in approximately 12 months and we need to start the process of compliance.*

*Attached is the Industrial User Report prepared in 2007 by Dyer Partnership. The report briefly explains the issue. There are several issues related to compliance which we should discuss and then plan for compliance.*

### **FINANCIAL IMPACT:**

None at this time

**DOCUMENTS ATTACHED:**

- Attorney prepared draft FOG ordinance

**REQUESTED MOTION/ACTION:**

**Make suggested changes so that I can have City Counsel Sommers review them for inclusion in the final version for the first reading in March.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

PW Super Will Newdall

AN ORDINANCE AMENDING SECTIONS 3.410, 3.425, 3.445, 3.455, AND 3.460  
OF THE GOLD BEACH UTILITY CODE; AND ADOPTING PENALTIES FOR  
NON-COMPLIANCE

WHEREAS, the City of Gold Beach wishes to ensure that its public sewer remains in good working condition and complies with applicable requirements of the Oregon Department of Environmental Quality and United States Environmental Protection Agency regarding the regulation of the discharge of fats, oils, greases and other substances into the public sewer;

NOW, THEREFORE; THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

Section 1. Section 3.410 of the Gold Beach Utility Code is amended to read as follows:

**3.410**        Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this sewer code shall be as follows:

(1)        “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

(2)        “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3)        “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(4)        “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.

(5)        “Commercial user” shall mean any premises used for commercial or business purposes.

(6)        “Domestic waste” shall mean any wastewater emanating from dwellings.

(7)        “Equivalent Residential Unit (ERU)” shall mean a volume of wastewater which incurs the same costs for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For purposes of making this determination the City shall utilize the metered water use records of the City. Where a user believes his wastewater discharge to the treatment works is substantially different than his water consumption, an appropriate adjustment shall be made providing the

user demonstrates to the satisfaction of the City the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than domestic waste shall be adjusted to account for the difference in the costs of treatment. The superintendent shall file a list of ERU's for each commercial establishment.

(8) "FOG" shall mean a substance or material discharged into the public sewer that has the potential to partially or completely obstruct a building sewer or any sewage works. FOG includes both polar and non-polar FOG.

(9) "FOG Generator" shall mean any commercial user that discharges FOG into the public sewer, including but not limited commercial users that operate food service establishments, commercial laundries, car washes, filling stations, commercial garages, and similar businesses with any type of washing facilities (including pressure washing and steam cleaning).

(10) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(11) "Industrial wastes" shall mean liquid wastes from any nongovernmental user of publicly owned treatment works identified in the standard Industrial Classification Manual, 1972, Office of Management and Budget, under Divisions A,B,D,E and I.

(12) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(13) "Non-polar FOG" shall mean FOG not of animal or vegetable origin, including but not limited to petroleum oil, grease, grit, sand, and lint.

(14) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(15) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(16) "Polar FOG" shall mean FOG of animal or vegetable origin, including but not limited to fats and oils.

(17) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

(18) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

- (19) "Residential User" shall mean user of a single family dwelling.
- (20) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- (21) "Service area" shall mean all the area served by the Gold Beach sewage works.
- (22) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.
- (23) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.
- (24) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (25) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (26) "Sewer user" shall mean any person specifically requesting sewer service or using city sewers.
- (27) "Shall" is mandatory; "may" is permissive.
- (28) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
- (29) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
- (30) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the City of Gold Beach, or his authorized deputy, agent or representative.
- (31) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- (32) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (33) Any words or phrases which are not particularly defined herein shall be construed as defined in the Zoning Code of the City of Gold Beach, and if not defined therein, then as defined by the City of Gold Beach Building Code.

Section 2. Section 3.425 of the Gold Beach Utility Code is amended to read as follows:

**3.425**            Building Sewers and Connections.

(1)        No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2)        There shall be four classes of building sewer permits:

- (a)        Residential, which shall include single-family residences, apartments, duplexes and courts.
- (b)        Residential/commercial, which shall cover hotels and motels, etc.
- (c)        Commercial, which shall cover commercial non-residential uses.
- (d)        Industrial, for service to establishments producing industrial waste.

(3)        Prior to receiving city sewer service, a person shall make application to the City Administrator for a sewer hookup permit, on a form prescribed by the City. The application shall include consent to allow city inspectors to enter onto the premises during business hours to inspect, observe, measure, sample, and test sewage discharges. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Administrator or the superintendent. The applicant shall state the use for which sewer service is required.

(4)        If the applicant is a FOG generator, in addition to the application materials required by paragraph (3) of this section, the applicant must also submit the following management plan for the City's review and approval, which shall include:

- (a)        The name or position of the staff person in charge of compliance with the City's sewer regulations;
- (b)        Identification of the sources of FOG discharged by the user;
- (c)        An employee training manual with new employee training and continuous education programming regarding discharge of FOG;
- (d)        A description of disposal and recycling programs for FOG utilized by the user;
- (e)        A list of housekeeping practices related to FOG;

(f) Copies of signs or notices to be posted at drainage stations related to disposal of FOG;

(g) Emergency contact information to enable the City to contact the user on a 24 hour basis; and

(h) A requirement for documentation of actions taken to reduce discharge of FOG, including but not limited to training sign off sheets and maintenance, cleaning, and incident reports.

(5) If the use for which sewer service is required changes so that a different class of building sewer permit would be applicable, the sewer user shall apply for a new permit and pay all charges required for an initial permit.

(6) All costs and expense incident to the installation and connection of the building sewer, and any inceptor or other device required by section 3.445(6) of this code shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(7) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(8) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Code.

(9) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(10) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged from the building.

(11) No person shall make connection of roof downspouts, exterior foundation drains, area way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(12) The connection of the building sewer into the public sewer shall conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(13) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. In addition, when any sewer work involves street or alley pavement cuts or tunneling, the work shall be performed in accordance with the provisions of the Gold Beach Local Improvement Code.

Section 3. Section 3.445 of the Gold Beach Utility Code is amended to read as follows:

**3.445**            Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, or approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substance in such concentrations exceeding limits which may be established by the superintendent, as necessary, after treatment of the composite

sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials that exert or cause:

(i) Unusual concentration of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Effluent containing more than 100 mg/liter of polar FOG

(j) Effluent containing more than 250 mg/liter of non-polar sediments including sand, lint, and grit.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section (4) above, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

- (c) Require control over quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section (6)(j) below.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(6) FOG generators must install grease interceptors, traps, or biological processes, that comply with standards adopted by the City prior to discharging into the public sewer. The grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this Code shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial

waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

(11) Industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973, Federal Register, Volume 38, Number 161.

Section 4. Section 3.455 of the Gold Beach Utility Code is amended to read as follows:

**3.455**            Powers and Authority of Inspectors.

(1) With the consent of the property owner or other person with possession or control of the property, the superintendent and other duly authorized employees of the City bearing proper credentials and identification may enter onto private property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) In the event that the superintendent cannot gain permission to enter onto private property from the property owner or other person with possession or control of the property, the superintendent may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. The warrant application will identify the premises upon which entry is sought, and the purpose for which entry is desired.

(3) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 5. Section 3.460 of the Gold Beach Utility Code is amended to read as follows:

**3.460**            Procedure for Disconnection; Appeal Procedure; Penalties.

In every case where a sewer account is not paid by the 25th day of the month after the bill is presented, or where any premises is in violation of this Code, the following steps may be taken:

(1) In the case where the violation is a delinquency in the sewer bill, the Sewer Department shall send written notice to the last known address of the sewer user and to the

premises as reflected by City records, that water service will be disconnected ten (10) days after the date of said notice unless the arrearage is immediately corrected. Said notice shall indicate the amount of all arrearages, including penalty fees and shall indicate that if any person disputes the amount owing, they can appeal to the City Administrator in the manner provided in subsection (3) of this section.

(2) In the case of any other violation, the City Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by the city records that water service will be disconnected twenty (20) days after receipt of said notice, unless the violation is corrected prior to that date. Said notice shall indicate specifically the violation causing the disconnection and shall indicate that if any affected person disputes the violation stated in the notice, they can appeal to the City Administrator and the City Council in the manner provided in subsection (3) of this section. Should the violation not be abated within the said twenty (20) days after receipt of the notice, the superintendent shall be instructed by written order from the City Administrator's office to immediately terminate the water service to the subject property unless an appeal has been filed pursuant to subsection (3) of this section.

(3) A customer, occupant or owner of the premises who questions or disputes the correctness of a notice of intent to disconnect service may file with the City Administrator a request for a hearing within seven (7) days of the date of the notice. If a hearing has been timely requested, the City Administrator shall hold an informal conference to attempt to resolve the matter. In the case of a notice of intent to disconnect service for non-payment, the decision of the City Administrator shall be delivered at the conclusion of the informal conference and shall be final. In other cases, if no informal resolution is achieved, the City Council shall hold a hearing and consider relevant evidence presented by the appellant and the City. The Council shall determine whether the reasons prompting the notice of intent to disconnect are correct. Notice of the decision of the Council shall be mailed by first class mail to the customer at the billing address and to the occupant of the premises and to any other address specified by the appellant. In the event of an appeal to the City Council, service shall not be terminated until three (3) days after mailing of the notice of the decision. A notice of intent to disconnect service shall include information about the appeal process contained in this subsection.

(4) Where the violation is failure to pay delinquent sewer fees and penalties, water service may be reinstated upon payment of those fees. For any other violation, water service shall not be reinstated until such time that all violations have been cured, and a new application has been made and all fees required for initial application have been paid.

(5) Any person violating any of the provisions of this Code shall become liable to the City for any expense, loss or damage occasioned to the City by reason of such violation.

Section 6. FOG generators discharging into the public sewer at the time this ordinance is ~~adopted shall have~~ after the effective date of this ordinance to comply with the requirements of Section 3.445(6) of the Gold Beach Utility Code. If a FOG generator does not comply with Section 3.445(6) of the Gold Beach Utility Code within the required time frame, notwithstanding Section 3.460(2) of the Gold Beach Utility Code, the City may

proceed to notify the FOG generator of the failure to comply with this section and to immediately terminate water service to the premises. The FOG generator shall have all the appeal rights provided in Section 3.460(3) of the Gold Beach Utility Code. In addition to termination of water service the City may assess a penalty for failure to comply with this section. ~~The penalty for non-compliance with this section shall be \$ . Each day of non-compliance with this section constitutes a separate violation.~~

# **GOLD BEACH CITY COUNCIL AGENDA REPORT**



Agenda Item No. 10. c.

Council Hearing Date: February 11, 2013

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Department: Administration & Finance  
and Public Works

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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## **TITLE: Water/Sewer Maintenance Rate Discussion**

### **SUMMARY AND BACKGROUND:**

We currently have a water utility Maintenance Rate for water and sewer utility customers. The rate has been around in different iterations for many years and has always been a billing nightmare. I had requested back in 2003 that the rate be eliminated entirely due to the amount of staff time (both Administrative and Public Works) needed to monitor the accounts. The City is losing water and sewer revenue monthly due to the improper use of the rate.

I am currently surveying other cities to see if they have a similar rate or not, and if so, how do they regulate it. Regardless of the results I would like to respectfully request that we eliminate the rate because of the loss of revenue and excessive staff time needed to monitor it. It should be noted that we technically do not have a resolution authorizing the rate since Resolution R0809-12 was repealed in September. Other water and sewer rates are reflected in resolutions that have not been repealed.

### **FINANCIAL IMPACT:**

Stabilization of actual use water and sewer revenue

### **DOCUMENTS ATTACHED:**

- Information About Your Utility Bill flyer with maintenance rate info

### **REQUESTED MOTION/ACTION:**

**Decision on whether to continue/discontinue maintenance rate**

### **COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council  
PW Super Will Newdall



City of Gold Beach • 29592 Ellensburg Avenue • Gold Beach, Oregon 97444  
 Business Office 541-247-7029 • Police Department 541-247-6671 • [www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)  
 • Visitor Center 541-247-7526 • [www.goldbeach.org](http://www.goldbeach.org)

**INFORMATION ABOUT YOUR UTILITY BILL (Residential accounts)**

**Required Deposit: Water/Sewer \$200 deposit    Water only: \$100    Sewer only: \$150**  
 (Effective Sept. 10, 2012-not retroactive)

Bills are due on receipt and become late after the 10<sup>th</sup> of the following month. A 10% penalty is assessed if your payment is not received by close of business on the 10<sup>th</sup>. If you use online bill pay include your account number on their check. **If you pay online through your bank, please understand your payment is not instant to us—it takes between 7-10 days for us to receive your payment from the bill payer.**

**WATER** service **inside** city limits is \$15.85 per month. This is for the first 1,500 gallons. After the first 1,500 gallons you are charged on a per gallon rate. This is the only charge that changes monthly based on your usage. We read meters monthly approximately the 3<sup>rd</sup> week of the month. Water service **outside** city limits is \$17.47 per month for the first 1,500 gallons. After the first 1,500 you are charged on a per gallon rate. This is the only charge that changes monthly based on your usage. We read meters monthly approximately the 3<sup>rd</sup> week of the month.

**SEWER** is made up of four individual charges that total \$49.60. The charges are explained below:

- \$20: Sewer Treatment Plant Reserve-this is a debt service fee (per EDU\*) which will go to paying on the \$11 million loan for the new treatment plant.
- \$20.60: Regular Sewer-this is the basic sewer fee (per EDU) which is when you actually flush your toilet. This fee pays for the maintenance and day-to-day operation of the treatment plant. *(This fee was formerly \$19 and by resolution went up \$1 effective July 1, 2011)*
- \$6: Sewer Line 101- this is a debt service fee (per EDU) which pays on the \$1.5 million loan we received in 2005 for improvements to the main sewer line under Hwy 101.
- \$3: Sewer Reserve-this is a per customer fee that goes into a reserve account for future sewer improvements.

If you have both sewer and water your monthly minimum bill will be at least **\$65.45**. If your water usage is more than the minimum 1,500 gallons the water rate changes depending on actual gallons used. The city does not serve sewer outside city limits.

A maintenance rate (vacation/out-of-town: no water through meter) is available as follows:

<u>Inside City Limits</u>		<u>Outside City Limits</u>
Water: \$7.50		Water: \$8.00
STP: \$20		
SL 101: \$6		
Reserve: \$3		
<b>TOTAL \$36.50</b>		<b>TOTAL \$8.00</b>

*EDU: means Equivalent Dwelling (or Residential) unit. This is what one household is assessed for sewer use. The state has a chart to determine EDU's for commercial and industrial uses. If you wish to see this chart please feel free to ask at our business office.*

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting the 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.*



**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 10. d.

Council Hearing Date: February 11, 2013

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Department: Administration and Council    Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Mandatory Ethics Training for Commission Members**

**SUMMARY AND BACKGROUND:**

Pursuant to Administrative Policy 218.1, yearly ethics training is required for all city elected officials, employees, and documented volunteers. The Administrative office coordinates and documents the training. We have one commission member that appears unwilling or unable to attend the training. I'd like to have direction from the Council on how to proceed. It is my feeling that requesting the training be completed by March 31<sup>st</sup> is not unreasonable, but it is a Council policy so I would like some guidance on a reasonable timeline for completion annually.

**FINANCIAL IMPACT:**

None the training is free from the OGEC

**DOCUMENTS ATTACHED:**

- Admin Policy Section 218.1

**REQUESTED MOTION/ACTION:**

**Direction on policy enforcement and timeline for completion of training annually**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

## 218 Personal Conduct

### 218.1 Code of Ethics

The successful operation and reputation of the City of Gold Beach is based on the ethical conduct of the city's employees. The city's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity and fairness.

All city elected officials, employees and volunteers are considered public officials and are subject to the state of Oregon's Government ethics laws. The city will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. **Annual ethics training is mandatory for all city elected officials, employees and documented volunteers. Yearly ethics training, as approved by the Oregon Government Ethics Commission, will be coordinated and documented by the Administrative office for all public officials.**

In general, use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your supervisor or department director for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every city employee. If you believe anyone has violated this code of ethics, you should report it to a department director or city administrator immediately.

### 218.2 Gratuities

The giving and receipt of gifts (favors or gratuities) for an employee's personal benefit or gain is disfavored because of the appearance of impropriety it creates. Therefore, employees of the city may not accept any gift from any person (person includes individuals and entities, such as corporations or other governmental bodies) engaged in or attempting to engage in business transactions with the city or who has a legislative or administrative interest in the employee's work with the city. This is because such gifts might affect or give the appearance of affecting the employee's judgment in the impartial performance of his or her duties.

However, unsolicited gifts such as flowers and candy may be acceptable under Oregon law and may be accepted so long as the gift does not provide the employee with any personal gain. If you are offered a gift and are not sure whether to accept or deny it, contact a department director or the city administrator for guidance.

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 10. e.

Council Hearing Date: February 11, 2013

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Department: Administration and Council    Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Upcoming Meetings and Trainings**

**SUMMARY AND BACKGROUND:**

**Several upcoming meetings and trainings:**

February 13: LOC Small Cities R4 meeting—Port Orford, no cost

February 27: LOC City Day at the Capitol, \$15 + travel to Salem

March 5: DOR Local Budget Law Workshop—Coos Bay, no cost

March 22: (tentative may be 23 or 24) Distant Tsunami Response Training, no cost

I have attached info about each training. If you would like to attend any (or all!) please let me know and we will make the arrangements.

**FINANCIAL IMPACT:**

All but the City Day at the Capitol are FREE

**DOCUMENTS ATTACHED:**

- Information regarding each training opportunity

**REQUESTED MOTION/ACTION:**

**None at this time but if you wish to attend please let us know**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

## Jodi Fritts

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**From:** Mandy Allen <mallen@orcities.org>  
**Sent:** Monday, January 28, 2013 1:56 PM  
**To:** Jodi Fritts  
**Subject:** SCR4 - Small Cities R4 - Mtg Info & RSVP Call

### SCR4 Meeting Info and RSVP Call

*UPDATE: Please note the meeting venue has changed and lunch is hosted.*

**RSVP: If you have not done so already**, please RSVP online by [clicking here](#) or by contacting Mandy Allen, Small Cities Support Network Coordinator, at [mallen@orcities.org](mailto:mallen@orcities.org) or (503) 588-6550. *RSVPs are a tremendous help by enabling us to prepare sufficient food, materials and facilities.*

**Host City:** Port Orford  
**Date & Time:** 02/13/2013 from 11:00 am to 1:00 pm  
**Location:** **VENUE CHANGE:** Port Orford City Hall, 555 W 20<sup>th</sup> Street, Port Orford, OR 97465  
[\[map\]](#)  
**Lunch:** Hosted  
**Join Us:** Please join LOC Small Cities and a group of your peers for a productive network meeting and fabulous food!

#### Discussion / Presentation Items Include:

- Jeff Griffin - Regional Solutions, Governor's Office - will provide a fiscal status update on Coos and Curry counties.
- First Lieutenant, Duffy Cavanaugh - Project Officer for the Innovative Readiness Training Program (IRT) - will speak about the National Guard's IRT Program that hones skills and improves unit readiness for soldiers & airmen while helping communities stretch infrastructure budgets. The program is built to support three avenues of needs: Engineering (Construction); Medical (Day Clinics or Dental needs); and Transportation (Moving big items). With the support of the National Guard, you can do more with le\$\$!
- Jennie Messmer - Member Services Director, LOC - will provide an update on the League's current activities.
  - LOC's current legislative priorities
- Representatives from the region's cities will provide an update on city activities, including current challenges and successes.

#### RSVP:

If you have not done so already, please RSVP online by [clicking here](#) or by contacting Mandy Allen, Small Cities Support Network Coordinator, at [mallen@orcities.org](mailto:mallen@orcities.org) or (503) 588-6550. *RSVPs are a tremendous help by enabling us to prepare sufficient food, materials and facilities.*

Thank you,  
Mandy  
Small Cities Support Network Coordinator



**Mandy Allen, Member Services Support Specialist**

[mallen@orcities.org](mailto:mallen@orcities.org)

(503) 588-6550 general | (503) 540-6615 direct | (503) 399-4863 fax  
1201 Court St. NE, Suite 200 | Salem, Oregon 97301

[www.orcities.org](http://www.orcities.org) | Small Cities Support Network: [www.orcities.org/smallcities](http://www.orcities.org/smallcities)

*Helping Cities Succeed*



# **2013 City Day at the Capitol**

**Wednesday, February 27, 2013**

## **AGENDA**

**8:30 – 10:00 a.m.** **Salem Conference Center, Willamette Foyer**

- I. Continental Breakfast and Registration

**9:00 – 9:45 a.m.** **Salem Conference Center, Willamette B**

- II. Legislative Orientation (**Optional, official event kicks off at 10:00 a.m.**)

**10:00 a.m. – 12:30 p.m.** **Salem Conference Center, Willamette B**

- III. Welcome and Introductions
- IV. Legislative Session Overview
- V. Issue Briefings
- VI. Working with the Media

**12:30 – 1:45 p.m.** **Salem Conference Center, Willamette C**

- VII. Group Lunch
- VIII. Governor John Kitzhaber – Scheduled to Appear
- IX. Legislative Leadership Invited

**1:45 – 4:15 p.m.** **State Capitol**

- X. Bus Shuttle to Capitol
- XI. Personal Visit with Legislators
- XII. Bus Shuttle to Salem Conference Center

**4:30 – 6:00 p.m.** **Salem Conference Center, Willamette Foyer**

- XIII. Legislative Reception

# Schedule Announced for Local Budget Law Workshops

The Oregon Department of Revenue has released the schedule for its 2013 Basic Local Budget Law workshops. This free training is designed for governing body members, budget committee members, finance directors, administrators and budget officers who are involved in the budget process for their local government. It covers the basics of local budget law and some aspects of the property tax laws of the state as they apply to preparing a local government's budget. Each session will begin at 9:00 a.m. and conclude at 3:30 p.m. There is no pre-registration.

The 2013 Basic Local Budget Law Workshop schedule is below. This workshop is designed for governing body members, budget committee members, finance directors, administrators, and budget officers who are involved in the budget process for their local government. It covers the basics of Local Budget Law and some aspects of the property tax laws of the state, as they apply to preparing a local government's budget. The workshop covers information included in the *Local Budgeting Manual*.

**Registration and fees:** Workshop is free; no registration required.

**Hours:** 9 a.m. to 3:30 p.m.

**Workshop instructors:** Finance & Taxation analysts with the Oregon Department of Revenue.

**If you have any questions, please contact:**

Oregon Department of Revenue  
Finance, Taxation & Exemptions  
503-945-8293

Email: [finance.taxation@state.or.us](mailto:finance.taxation@state.or.us)

[Additional local budget information](#)

[Printable workshop dates and information](#)

<b>Date</b>	<b>Venue</b>
Tues. – March 5, 2013 <b>Coos Bay</b>	Southwestern Oregon Community College Empire Hall - Rooms E & F 1988 Newmark Ave. <b>Coos Bay, OR 97420</b> <u><a href="#">Map</a></u> <u><a href="#">Campus map</a></u>

## Distant Tsunami Response Training during the Spring Road Show

**Oregon is at risk from both distant and local tsunamis.** A distant tsunami is far more common than local, and has much less impact. The major concern for a distant tsunami is managing the public response, which in the past has often been out of proportion to the hazard. After the Japan 2011 tsunami event, a group of coastal stakeholders met over the course of a year and half to develop a consistent set of response guidelines. This three hour workshop will introduce the best practices and decision making processes involved in the response to a distant tsunami.

**Who should attend this workshop?** Anyone in your county that is involved in decision-making during a distant tsunami event. This could be warning point coordinators, public officials, school administrators, first responders and public information officers. It is important to bring together as many of those who will need this updated information and will play a role in the next distant tsunami response effort.

**What will be involved in the training?** Participants will be introduced to the new guidelines, best practices and decision-making processes developed by the Distant Tsunami Working Group. Material will be presented to participants who will have opportunities to practice the new decision-making processes.

Oregon Emergency Management will provide the trainer, we only need a local venue capable of holding the required number of people, which will vary according to location. We'll provide training materials, registration, and any follow-up. We will provide one training per county, so please coordinate locally to provide the best attendance at the training.

Please contact Althea Rizzo between January 3-16, 2013 to arrange your training.

Information I will need:

- Date of the training (please refer to the over-all Road Show Schedule for when I will be in your county)
- Location & Street address
- Time (reserve a four hour block)
- Contact name and information
- Number of anticipated participants

March 22<sup>nd</sup> tentative

9/10

## 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 newspaper of general circulation, in the City or posted in a conspicuous place in City Hall.

(c)      The Mayor or the City Administrator shall attempt to give notice of the time and place of a special meeting to all Council members by telephone or letter sent to them at their address on file in the office of the City Administrator.

(d)      In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

### **1.110**      City Administrator

#### (1)      The Office of City Administrator and Procedures for Appointment.

(a)      The City Administrator shall be appointed by the Mayor with approval of the majority vote of all incumbent members of the council.

(b)      City Administrator shall receive such compensation as the Common Council shall fix from time to time.

(c)      At the time of appointment the person so appointed as City Administrator need not be a resident of the City of Gold Beach, Oregon, or the State

of Oregon, but within six (6) months from the date of appointment, said person shall reside within fifteen (15) minutes traveling time from the location of the Gold Beach City Hall. The City Council may excuse the City Administrator from said requirement, if deemed necessary, for good and appropriate cause.

(d) No member of the city council shall be eligible to receive the appointment as city administrator during the term for which the member shall be elected.

(e) The City Administrator shall be required to carry a bond for the faithful performance of his duties in the amount of \$50,000. The expense of said bond shall be paid from the General Fund.

(2) Duties, Powers and Authority of the City Administrator.

(a) City Administrator shall devote his/her entire time to the discharge of his/her official duties as outlined hereunder, and shall attend all meetings of the City Council, unless excused therefrom, by the Council or the Mayor. He/she shall keep the City Council advised, at all times, of the affairs and needs of the city and make reports annually, or more frequently if requested by the Council, on all the affairs and departments of the city.

(b) City Administrator shall be the chief administrative officer and head of the administrative branch of the city and shall have the right to hire, discharge and discipline all city employees and control their work. This power shall include the power to transfer an employee from one department to another. City Administrator shall supervise the departments to the end of attaining the utmost efficiency in each of them. City Administrator shall also have the power to contract for necessary services. City Administrator shall have no power to appoint or remove the Municipal Judge, or other officers appointed pursuant to Chapter III, Section 10, of the Gold Beach Charter of 1986, as such appointment and removal power is within the hands of the Mayor and City Council pursuant to the Charter. City Administrator shall have the right to control the work of such city-appointed officers.

(c) City Administrator shall enforce all codes and ordinances of the city, including the provisions of all franchises, leases, contracts, permits and privileges granted by, or running to the city.

(d) City Administrator shall act as purchasing agent for all departments of the city and all purchases shall be requisitioned and signed by him or his designee.

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

(f) City Administrator or his/her designee shall act as budget officer and prepare an annual budget for presentation to the City Budget Committee and City

Council.

(g) City Administrator shall supervise the expenditures of all departments, divisions or services of the city and analyze and supervise the functions, duties and activities of the various departments, boards and services of the city, and all employees thereof, and make such recommendations to the Mayor and the City Council with reference thereto, which in his/her judgment, will result, if adopted, in greater efficiency of the overall operation of the City of Gold Beach's government.

(h) City Administrator shall develop and organize, when necessary, improvement projects and programs, and aid and assist the Mayor and ~~Common~~ *City* Council in the various departments and boards in carrying through to a successful conclusion.

(i) City Administrator will make and keep an inventory of all personal and real property owned by the city and advise the Mayor and Council of the purchase of new machinery, equipment or supplies, which in his/her judgment the same can be obtained under the terms and conditions which are most advantageous to the city. *Review of assets*

(j) City Administrator shall make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel appointed or employed by the city. The City Administrator shall inform and update the Mayor and City Council in regards to his/her decisions on abolition, consolidation, transfer, removal of positions or personnel, or any other administrative decisions made by the Administrator which in his/her judgment will increase administrative efficiency. Such information reports to the Council may be made orally or in writing at the discretion of the City Administrator.

(k) City Administrator shall perform such other duties as may be required of him/her by the Mayor and City Council, not inconsistent with the laws of the State of Oregon, and the provisions of the Charter and Codes and Ordinances of the City of Gold Beach.

(l) The City Administrator shall endeavor at all times to exercise the highest degree of tact, patience and professional courtesy in his/her contacts with the public and personnel employed by the city, to the end that the highest possible standards of public service shall be maintained.

(3) Legislative Policy Making Prohibited. The City Administrator shall not exercise any legislative making policy or legislative functions, nor attempt to commit or to bind the Mayor or City Council to any action, plan or program regarding legislative policy or legislative functions, and such shall remain exclusively the province of the city.

(4) Removal of City Administrator. The City Administrator 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 the City Administrator shall be final.

(5) Salary and Benefits. The salary and benefits of the City Administrator shall be set by the City Council within the annual budget of the City of Gold Beach and may be revised from time to time by the City Council in its discretion and legislative function.

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

In the event that the office of the city administrator becomes vacant and the mayor has not appointed an interim city administrator, the City Council by majority vote may exercise the hiring authority normally granted to the city administrator to fill vacant city positions at the department head level.

**1.120**            City Planning Commission.

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

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

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. 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.

(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 audio recordings of Planning Commission meetings.

(10) Meetings. The Planning Commission shall hold one meeting a month at the Gold Beach City Hall. A special meeting may be called by the written requests of a quorum of the Planning 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. 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.

(4)      The filing fee for candidacy to the city offices of Mayor or Councilor is hereby set at \$50.00 and may be changed from time to time by Resolution adopted by the Gold Beach City Council.

(5)      State Election Laws. All matters relating to election procedure not expressly set forth in the charter of the City of Gold Beach, Section 1.210, or this section shall be governed by the election laws of the State of Oregon.

**1.210**      Initiative and Referendum

(1)      Introductory Provisions.

(a)      Definitions. As used in this Section:

(i)      The term “measure” means: a legislative enactment by the common council not necessary for the immediate preservation of the public peace, health and safety; a part of such an enactment; or a proposed legislative enactment for the city.

(ii)      The term “voter” means a legal voter of the City.

(iii)      The term “petition” means an initiative or referendum petition for ordering a measure to be submitted to the voters.

(iv)      The term “refer” means to write, type, or print.

(v)      The term “write” means to write, type, or print.

(b)      This Code section provides a complete procedure for the voters to exercise their initiative and referendum powers which, unless specifically stated to the contrary, is intended to be supplementary to and not in conflict with the procedures

set forth by ORS 250.005, et seq.

(2) Initiative

(a) Manner of proposing measure. The manner of proposing a measure by the initiative shall be to deposit at the office of the City Administrator a duly prepared petition ordering the measure to be submitted to the voters.

(b) Form of petition. The initiative petition shall be in the form prescribed by the Secretary of State pursuant to ORS 250.015.

(c) Presentation of Measure to City Council. If the initiative petition contains the required number of verified signatures, the City elections officer shall file the initiated measure with the City Council at its next regular meeting.

(d) Submission of Measure to Voters. The City Administrator shall cause to be submitted to voters at the time provided by Section 1.310(6) a charter or charter amendment proposed by the initiative and any other initiative measure not enacted by the City Council within thirty (30) days after its proposal.

(3) Referendum

(a) Manner of referring measure. The manner of referring a measure shall be:

(i) For a person to deposit at the office of the recorder a duly prepared referendum petition for the measure, or

(ii) For the common council to order the submission of the measure to the voters.

(b) Form of petition. The referendum petition shall be in the form prescribed by the Secretary of State pursuant to ORS 250.015.

(c) Time for referring measure to petition. No referendum petition shall be deemed duly prepared unless it, and the signatures requisite to its being deemed fully prepared, are deposited at the office of the City Administrator within thirty (30) days after the City Council enacts the measure.

(d) Time for Council to refer measure. The City Council may refer a measure only at the session at which it enacts the measure.

(e) Submission of measure to voters. The City Administrator shall cause a referred measure to be submitted to the voters at the time fixed by this section.

(4) Petition.

(a) Presentation for checking, specifications, and preparation of titles. No

petition shall be deemed duly prepared unless:

(i) Prior to its circulation, a copy of it is deposited at the office of the recorder, and

(ii) It is in the form required by the Secretary of State pursuant to ORS 250.015, and

(iii) As circulated, it complies with the requirements of state law, the specifications listed below and contains the ballot title, either that prepared initially or that approved or prescribed on appeal, required by this code for the measure for which it is being circulated.

(b) Checking, specifications, and preparation of titles. When a copy of a petition to be circulated is deposited at the office of the City Administrator, the City Administrator shall immediately:

(i) Check it for the legal sufficiency of the form in which it appears;

(ii) Advise the person depositing it whether it is legally sufficient in form, and if it is not so, how to make it so;

(iii) Transmit the copy to the city attorney for preparation of a ballot title.

(c) Requisite number of signatures. The number of signatures on a petition requisite to its being deemed duly prepared shall be, for an initiative petition, fifteen (15) percent, and for a referendum petition, ten (10) percent of the electors registered in the City at the time the prospective petition is filed.

(d) Attachment of measure to sheets for signatures. No signature on a petition sheet shall be counted unless attached to it at the time of the signing of the signature is a copy of the measure to which the petition refers.

(e) Verification of signatures. No signature on a petition sheet shall be counted unless the person who circulates the sheet verifies it by an affidavit in the following form:

State of Oregon            )  
County of Curry           ) ss  
City of Gold Beach        )

I, \_\_\_\_\_, being first duly sworn, state that each signer of this sheet signed it in my presence, and that I believe that he/she stated his/her name and address correctly on the sheet and is a legal voter of the City of

Gold Beach, Oregon.

Address of Affiant: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
My Commission Expires:

(f) Certification of signatures. Within five (5) business days after a duly prepared petition is deposited at the office of the City Administrator, the City Administrator shall cause to be verified the number and genuineness of the signatures and voting qualifications of the persons signing the petition by reference to the registration books in the office of county clerk of Curry County. If a sufficient number of qualified voters signed the petition, the City Administrator shall file the same with the City Council within ten (10) business days after verification.

(5) Ballot Title.

(a) Preparation of ballot title.

(i) The ballot title for a measure ordered by the common council, or proposed to be ordered by a petition, to be submitted to the voters shall be prepared and in the hands of the City Administrator within five (5) days after the council orders the submission or after a copy of the petition is first deposited at the office of the City Administrator.

(ii) When the common council orders submission of a measure to the voters, or when a petition for ordering submission of a measure to the voters is first deposited at the office of the recorder, the city attorney shall, within the aforesaid period of time, prepare the title and cause the said title so prepared to be filed in the record of the matter.

(iii) A voter who has signed the petition and who is dissatisfied with the title, prepared and filed as aforesaid, within five (5) days after it has been filed by the city attorney as aforesaid, may appeal to the City Council of a written appeal deposited at the office of the City Administrator asking for a different ballot title for the measure and therein stating why the title prepared and filed is unsatisfactory.

(iv) Within three (3) days after the deposit of the appeal at the office of the City Administrator, the City Council shall, either in regular or special session, afford the appellant a hearing and either approve the title or prescribe another ballot title for the measure. The title thus adopted shall be the ballot title for the measure.

(b) Requisites of ballot title. The ballot title shall be in the form prescribed by ORS 250.035 to 250.038.

(6) Election.

(a) Time to vote on measure. The time for voting on a measure which is not adopted by the City Council or which is required to be submitted to the voters shall be set forth in ORS 250.325.

(7) Effect on Measures.

(a) Proclamation of Mayor.

(i) Immediately upon the completion of the canvass of the voters on a measure submitted to the voters pursuant to this section, the Mayor shall issue a proclamation:

(aa) Recapitulating the vote on measure,

(bb) Declaring whether the vote shows a majority of those who voted on the measure to be in favor of it, and

(cc) In case the vote shows a majority of them to be in favor of the measure, announcing it to be effective from the date of the vote.

(ii) The City Administrator shall give public notice of the proclamation by:

(aa) Publishing it once in a newspaper of general circulation in the City, or

(bb) Posting copies of it in five (5) public places in the City, including city hall.

(iii) The proclamation shall be filed with the measure.

(b) Effective date of measure. A measure submitted to the voters pursuant to this Code shall take effect only when approved by a majority of the voters voting upon it.

(c) Measures subject to referendum. A measure, so long as it is subject to the referendum, shall have no effect.

(d) Conflicting measures. Of conflicting measures approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount.

(8) Criminal Provisions.

(a) Unlawful acts. No person other than a voter shall sign his name to a petition; sign a petition with a name not his own; or sign his name to a petition with knowledge that he has previously signed his name to the petition. No person shall knowingly circulate or deposit at the office of the City Administrator a petition which to his knowledge contains a signature signed in violation of this Code. No person shall procure or attempt to procure a signature to a petition by fraud. No person shall make a statement which he knows to be false concerning a petition. No person shall make a document for which this Code provides which contains a false statement.

Courts

1.305 Powers and Duties of Municipal Judge.

(1) Municipal Court; Municipal Judge as Administrative Head of Municipal Court.

The Gold Beach Municipal Court is the tribunal exercising power for the enforcement of the ordinances of the City of Gold Beach and such other enforcement power as may be conferred by the state of Oregon. The municipal judge is the presiding judge of the court and the court's administrative head, and shall exercise administrative authority and supervision over the municipal court consistent with the Charter of the City of Gold Beach, the U.S. Constitution, the Oregon Constitution, and any other applicable laws and ordinances. To facilitate the exercise of that administrative authority and supervision, the municipal judge may:

- (a) Make rules and issue orders appropriate to that exercise;
- (b) Require appropriate reports from staff of the municipal court;
- (c) Establish time standards for disposition of cases;
- (d) Propose a budget for the municipal court; and
- (e) Undertake any other action authorized by law necessary to effectuate the purposes of the municipal court and the office of municipal judge.

(2) Qualifications of Municipal Judge; Selection; Term of Appointment; Removal; Compensation.

(a) The municipal judge shall be a person of good character, shall be a citizen of the United States, and shall be a resident of the state of Oregon. The municipal judge may be, but is not required to be, an attorney. If the municipal judge is an attorney, then the municipal judge shall be a member in good standing of the Oregon State Bar

Association.

(b) The municipal judge shall be appointed by majority vote of all sitting councilors. The term of appointment shall be one year. The person appointed to fill the office may be reappointed for any number of terms, provided such reappointment is confirmed by vote of the City Council as provided in this section.

(c) The municipal judge may be removed at any time by a majority vote of all sitting City Council members.

(d) Compensation for services provided by the Municipal Judge shall be established by majority vote of the City Council.

(3) Absence or Vacancy in Office of Municipal Judge.

(a) When the municipal judge is incapacitated or otherwise absent, is disqualified for prejudice, or when there is a vacancy in the office, the City Council may appoint any person who meets the qualifications for appointment as municipal judge (Section 2.1) to serve as municipal judge pro tempore. The municipal judge pro tempore may perform the functions of the municipal judge, may hear proceedings and may enter any judgment, order, or decree with the same force and effect as if done by the municipal judge.

(b) Any appointment under this section shall be made by resolution of the City Council, which shall designate the duration of the appointment.

(c) No action or proceeding pending in municipal court shall be affected by the vacancy or absence of the municipal judge.

(4) Powers of the Municipal Court.

The municipal court shall have such powers as is conferred upon municipal courts under the Oregon Constitution, the Charter of the City of Gold Beach, and Oregon law. By way of illustration, but not limitation, the municipal court has the power:

(a) To enter judgments, orders and decrees necessary to effectuate the exercise of its power to enforce the ordinances of the city as well as to enforce any infractions or violations authorized to come before the municipal court pursuant to the Oregon Revised Statutes regarding traffic violations.

(b) To compel compliance with and obedience to its judgments, orders, and decrees in or out of court.

(c) To preserve and enforce order in its immediate presence and in the proceedings before it and to control, in the furtherance of justice, the conduct of the court's ministerial officers and parties and witnesses connected with any proceeding before it.

(d) After finding of guilt, to impose a fine up to the limit allowed by the statutory authority, city ordinance, and/or Oregon Revised Statutes as violated by any defendant and may require defendant to pay such fines within appropriate periods as well as the reasonable costs incurred as a consequence of court proceedings.

(e) To compel the attendance of persons to testify in any proceeding pending in municipal court.

(f) To administer oaths in any pending proceeding, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

(g) To adjourn any proceeding before the court from time to time as may be necessary, unless otherwise expressly prohibited by city ordinance or state law.

(5) Sessions of Court; Place of holding Court; Scheduling; Legal Holidays.

(a) Sessions of municipal court shall be public, and shall be held in the City of Gold Beach Council Chambers.

(b) Municipal court shall be held on the second and last Wednesday of each month or such other dates as may be designated by the court. If the day appointed for holding court is a legal holiday, the court shall be held the next Wednesday following which is not also a legal holiday.

(c) Municipal court may be held and judicial business may be transacted on any day other than Saturdays, Sundays, and legal holidays, except that the court may exercise the powers of a magistrate on any day.

(d) The municipal court shall be in session only for such time as may be necessary to complete the judicial business of the city.

(6) Local Rules of Procedure.

The municipal judge may adopt local rules for the conduct of the municipal court that are not inconsistent with the rules of procedure established by this ordinance or any rules made applicable to a municipal court by state law.

(7) Time for Decision.

Any question submitted to the court shall be decided and the decision rendered within thirty (30) days after submission, unless prevented by sickness or unavoidable casualty; provided that the time may be extended by stipulation in writing signed by the parties and filed with the court before the expiration of the thirty-day period.

(8) Contempt of Court.

The court may exercise power to punish contempt in the manner provided by ORS 33.015-33.155.

(9) Disqualification.

The municipal judge shall not hear any proceeding if any party moves the court for a change of judge on grounds of prejudice against the party or the party's attorney. The motion shall be supported by an affidavit by the party, under oath, stating that the municipal judge is prejudiced against the party or the party's attorney, stating with particularity the fact or facts supporting the existence of prejudice, stating the party cannot or reasonably believes the party cannot have a fair and impartial hearing before the judge, and that the motion to disqualify is not filed for the purpose of delay. Upon receipt of the motion, the municipal judge shall grant the motion if grounds for disqualification actually exist. Failure to allege specific facts supporting the existence of prejudice shall result in a denial of the motion. The motion shall be filed not less than two weeks before the party's first appearance, and failure to do so shall result in a waiver of a right to seek disqualification. No party shall file more than one motion to disqualify in any proceeding.

(10) Administrative Search Warrants.

(a) Authorization. The municipal judge is authorized to issue administrative search warrants authorizing the inspection or investigation at a designated location upon application by the City Attorney, Building Official, Police Chief or Fire Chief, or their duly authorized representatives, acting in the course of their official duties, whenever an inspection or investigation of any place is required or authorized by any municipal ordinance or regulation.

(b) Grounds for Issuance.

(i) An administrative search warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant hereunder, the ordinance or regulation requiring or authorizing the inspection or investigation, the location to be inspected or investigated, and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without a warrant.

(ii) Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the location or there is probable cause to believe that a condition of nonconformity with a health, public protection or safety ordinance, regulation, rule, standard or order exists with respect to the particular location, or an investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(c) Procedure for Issuing Search Warrant.

(i) Before issuing any administrative search warrant, the municipal judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

(ii) If the municipal judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, he or she may issue the warrant, particularly describing the same and identifying the title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m. or where the municipal judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

(d) Execution of Search Warrant.

(i) Except as otherwise provided in this section, in executing an administrative search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to the occupant or person in possession of the location designated in the warrant and shall show him or her the warrant or copy thereof upon request.

(ii) In executing an administrative search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in subsection (1) of this section, but may promptly enter the designated location, if, at the time of execution, the location is unoccupied or not in the possession of any person or is reasonably believed to be in such condition.

(iii) A public safety officer may be requested to assist in the execution of the administrative search warrant.

(iv) An administrative search warrant must be executed and returned to the municipal judge by whom it was issued within 10 days from its date, unless the municipal judge, before the expiration of such time, extends the time for five days by endorsement thereon. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

**1.310** Interpretation and Rules of Construction.

(1) Definitions.

As used in this code, the following mean:

(a) Building Official: The City Planner or his or her designee, assigned to enforce the uniform, specialty, and other building codes.

(b) Code: The City of Gold Beach municipal Code and Ordinances.

(c) Codes Enforcement Officer: Any person designated by the City Administrator to undertake enforcement of any city ordinance.

(d) Person: An individual, association, corporation, partnership, trust or any other entity at law or in fact.

(e) Fire Department Official: The City of Gold Beach Fire Chief or his or her designee.

(f) Public Safety Officer: The City of Gold Beach Chief of Police or his or her designee.

(2) Interpretation of Ordinances.

(a) All words and phrases in ordinances of the City shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such technical or peculiar and appropriate meaning.

(b) The following grammatical rules shall apply to the ordinances of the City, unless it is apparent from the context that a different construction is intended:

(i) Each mention of gender includes the masculine, feminine and neuter genders.

(ii) The singular number includes the plural and the plural includes the singular.

(iii) Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(iv) The words "shall" and "must" mean mandatory; the word "may" means permissive.

(3) Computation of Time.

Except when otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or holiday, in which case it shall also be excluded.

(4) Construction.

The ordinances of the city shall be construed with a view to effect their objectives and

to promote justice.

(5) Effect of Repeal of Repealing Ordinance.

Whenever an ordinance which repeals a former ordinance is repealed, either expressly or by implication, the former ordinance shall not thereby be revived unless it is expressly so provided.

(6) Prohibited Acts Include Causing and Permitting.

Whenever the ordinances of the city make an act or omission unlawful, such ordinance shall include as unlawful the act or omission of causing, aiding, abetting, or concealing such act or omission.

(7) Violations Outside City Limits.

An act made unlawful by any ordinance of the city shall constitute a violation when committed on any property owned or controlled by the city, even though outside the city's corporate limits.

(8) Continuing Violations.

Whenever an act is prohibited or declared to be unlawful or the doing of an act is required or the failure to do an act is declared to be unlawful, each day the violation persists shall constitute a separate and distinct violation.

(9) Liability.

(a) A person is guilty of a violation if the act or omission is committed by his or her own conduct or by the conduct of another person for which the persons is liable, or both.

(i) A person is liable for the conduct of another person if:

(aa) The person is made liable by the ordinance defining the violation; or

(bb) With the intent to promote or facilitate the commission of the violation, the person solicits or commands such other person to commit the violation, or aids or abets or agrees or attempts to aid or abet such other person in planning or committing the violation, or having a legal duty to prevent the commission of the violation fails to make the effort the person is required to make.

(ii) In the prosecution for a violation in which liability is based upon the conduct of another person, it is no defense that such other person has not been prosecuted for or convicted of any violation based upon the conduct in question or has been convicted of a different violation.

(b) When an act is required, such that it may be done by an agent as well as the principal, such requirement shall be construed to include all such acts performed by the agent, acting under either authorized or apparent authority.

(c) In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the ordinances of this city, such an organization is guilty of a violation if;

(i) The conduct constituting the violation is engaged in by an officer, employee or agent of the organization acting within the course and scope of their office, employment or agency; or

(ii) The conduct constituting the violation is knowingly tolerated by the officers, employees or agents of the organization.

(iii) A person is liable for conduct constituting a violation which he or she performs or causes to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in his or her individual capacity.

(10) Classification of Offenses; Penalties.

(a) Unless otherwise provided by law or ordinance, all violations of city ordinances are classified as infractions.

(b) If provided for in the ordinance defining the violation, the court may order restitution in addition to any penalty or fine. The court may order community service in lieu of a penalty or fine if the defendant demonstrates a manifest and documented inability to pay.

(c) The amounts for fines and penalties shall be set and from time to time adjusted by resolution of the City Council. At the time any such fine and penalty amounts are so adjusted, previous fines and penalties will be automatically repealed whether previously set by ordinance or resolution.

**1.315** Court Rules and Procedure.

(1) Citation; Complaint; Summons.

(a) A citation substantially conforming to the requirements of this section may be used for citing violations of city code and ordinance.

(b) A citation shall contain the following:

(i) Complaint.

(ii) Department record.

(iii) Summons

(c) A summons shall contain the following information:

(i) The name of the court; the name of the person or persons cited; the date on which the citation was issued; the name of the complainant; and the time at which the person cited is to appear in court.

(ii) A statement or designation of the violation in such manner as can be readily understood by a person making a reasonable effort to do so and the date and place the violation is alleged to have occurred.

(iii) A notice to the person or persons cited that a complaint will be filed with the court based on the violation.

(iv) The maximum amount of penalty or bail, if any, fixed for the violation, and a statement notifying the person that a money judgment may be entered up to the maximum amount of the penalty or the cost of nuisance abatement, along with other costs allowed by law if the defendant fails to appear.

(d) A complaint shall contain the following information:

(i) The name of the court; the name of the city in whose name action is being brought; and the name of the defendant or defendants.

(ii) A statement or designation of the violation in such a manner as can be readily understood by a person making a reasonable effort to do so and the time and place of the alleged violation.

(iii) A verification that the complainant swears or affirms that he or she has reasonable grounds to believe, and does believe, that the person or persons cited have violated a provision of the code.

(e) The citation may also contain additional information as may be appropriate for administrative departments of the city, including an indication of whether a written warning was previously issued.

(2) Persons Authorized to Issue Citations; Complaints by Private Citizens.

(b) A citation may be issued by the Codes Enforcement Officer, Public Safety Officer or Fire Department Official if he or she has reasonable grounds to believe that the person or persons to be charged are in actual violation of a provision, other than a criminal provision, of the code. A citation may be issued by the Public Safety Officer if the officer has probable cause to believe that the person to be charged with the violation is in violation of a criminal provision of the code.

(c) Any person may seek to have the city issue a citation for violation of the code by filing a complaint with the Codes Enforcement Officer, Public Safety Officer, or Fire Department Official if such violation is a violation of a criminal provision of the code, alleging under oath and upon personal knowledge material facts which, if proven, would constitute a violation, provided that such person can testify at trial to material facts in the case.

(d) Any person who, in connection with the issuance of a citation or the filing of a complaint under this subsection, knowingly certifies falsely to matters set forth therein shall be subject to a penalty upon conviction of \$1,000.00

(3) Delivery and Filing of the Summons and Complaint.

The Codes Enforcement Officer, Public Safety Officer or Fire Department Official, as the case may be, shall cause summons to be served on the person cited and shall file the complaint along with proof of service of the summons with the court.

(4) Right to Counsel.

(a) A defendant may be represented by counsel at any trial for a violation, but defense counsel shall not be provided at public expense.

(b) At the defendant's first appearance in municipal court, the defendant shall be informed by the court of his or her right to have counsel before pleading to the violation and shall be asked if he or she wishes to obtain counsel before pleading.

(c) At any trial for an infraction, the city attorney may aid the Codes Enforcement Officer, Public Safety Officer or Fire Department Official in preparing evidence and obtaining witnesses, but shall not appear unless the defendant retains counsel. The court shall give the city attorney timely notice if defense counsel is to appear at trial.

(5) First Appearance; Return of Summons.

The defendant shall:

(a) Either appear in court at the time indicated in the summons; or

(b) Prior to such time, deliver to the court the summons together with the amount of the penalty or bail, if any, set forth in the summons, along with a request for a hearing or a written statement in explanation or mitigation; or

(c) Prior to such time, deliver the summons together with a waiver of hearing and plea of guilty, along with the penalty or bail set forth in the summons.

(6) Effect of Defendant's Written Statement in Explanation or Mitigation.

(a) If the defendant submits a written statement in explanation or mitigation and does not request a hearing, the statement shall constitute a waiver of hearing, a consent to judgment by the court and assessment of penalty, if, based on the written statement and testimony or written statements of other witnesses, if any, the court finds the defendant violated the provision of the Code with which the defendant has been charged.

(b) If the defendant submits a request for a hearing along with the written statement in explanation or mitigation and requests a hearing, the court shall fix the date and time for hearing and shall mail notice to the defendant at least fifteen days in advance of the hearing.

(7) Court-Ordered Hearing: Judgment on Failure to Appear.

(a) In any proceeding where the defendant fails to appear, the court may, at its discretion, direct a hearing be held.

(b) The court may proceed to make a determination without a hearing in the following circumstances:

(i) The defendant fails to appear at the time, date and place specified in the citation and a hearing is not required under ordinance or statute.

(ii) The defendant appeared at the time, date and place specified in the citation and requested a hearing or was ordered by the court to appear at a subsequent hearing, and the person fails to appear at the time, date, and place set for the hearing or subsequent hearing on the matter.

(iii) A determination under this section shall be based on the citation and on any evidence the court may, in its discretion, determine to be appropriate.

(iv) Upon making a determination under this section, the court may enter judgment and may impose the penalty, along with a money judgment for costs, assessments and any restitution authorized by ordinance or law.

a. If the court orders restitution, the court need not make a determination of the defendant's ability to pay. The defendant may seek review of his or her ability to pay by filing a written request with the court within one year after entry of judgment. The court shall set a hearing on the matter, and may reduce the amount restitution ordered if the defendant establishes at the hearing that he or she is unable to pay the restitution in whole or in part.

(c) If judgment is entered under this section after the defendant has failed to appear, on motion by the defendant and upon such terms as are just, the court may relieve the defendant from the judgment, upon showing that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must be made within a reasonable

time, but in no event more than one year after entry of judgment in the matter, unless the judgment is for the abatement of a nuisance in which case the motion must be made prior to the time the city has expended funds to abate the nuisance.

(d) No judgment may be entered under this section for failure to appear unless the summons contained a statement notifying the defendant that a money judgment may be entered against the defendant up to the maximum amount of the penalty, along with other costs allowed by law if the defendant fails to appear.

(8) First Appearance.

At the time of first appearance, the court shall apprise the defendant of the nature of the alleged violation, and advise the defendant that he or she may plead guilty or not guilty, plead guilty with matters in mitigation, as the case may be. Upon a plea of guilty, or a plea of guilty with matters in mitigation, judgment shall be entered. Upon a plea of not guilty, the court shall set a trial date.

(9) Discovery.

(a) Upon request by the defendant the Codes Enforcement Officer, Public Safety Officer or Fire Department Official shall disclose to the defendant the following material and information within his or her possession and control.

(i) The names and addresses of persons whom the city intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements made by such persons.

(ii) Any written or recorded statements or memoranda of any oral statements made by the defendant or co-defendant if the trial is to be a joint trial.

(iii) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons, which the city intends to offer into evidence at trial.

(iv) Any books, papers, documents, photographs, or tangible objects which the city intends to offer into evidence at trial or which were obtained from or belong to the defendant.

(b) Upon request by the city, the defendant shall disclose to the city the following material and information within the possession and control of the defendant:

(i) The names and addresses of persons whom the defendant intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements of such persons.

(ii) Any written or recorded statements, videotapes, or memoranda of

any oral statements made by the defendant or co-defendant if the trial is to a joint trial.

(iii) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons, which the defendant intends to offer into evidence at trial.

(iv) Any books, papers, documents, photographs, or tangible objects that the defendant intends to offer into evidence at trial.

(c) All discovery requests shall be made not less than fifteen days, and all discovery completed not less than ten days, prior to trial on the matter.

(d) The following material and information shall not be subject to discovery under this section;

(i) Work product, legal research, records, correspondence, reports or memoranda to the extent that they contain opinions, theories or conclusion of city attorney, the Codes Enforcement Officer, Public Safety Officer, Fire Department Official or other city official in connection with the investigation, prosecution of the violation, or such documents to the extent they contain opinions, theories or conclusions of the defendant or defendant's attorney in connection with the defense of the violation.

(ii) The identity of a confidential informant where disclosure of the identity of the informant is exempt under Oregon law and failure to disclose the identity of the informant will not infringe on the constitutional rights of the defendant.

(e) The court may order any party who refuses to comply with a discovery request under this section to permit inspection of the material, may grant a continuance, may refuse to permit the witness to testify, may refuse to receive into evidence material not disclosed, or may enter such other order it deems appropriate under the circumstances. Upon a showing of good cause, the court may, after in camera examination, enter an order that specified disclosures be denied, restricted or deferred or make such other order it deems appropriate under the circumstances. The court shall make a record of such examination, which shall then be sealed and preserved in the records of the court, and made available to the appellate court in the event of an appeal.

(10) Trial Without Jury; Commencement; Burden of Proof; Proof of Mental State Not an Element.

(a) The trial shall be by the court without a jury, and shall not be scheduled for less than fifteen (15) days from the date of the citation, unless the defendant waives the fifteen-day period.

(b) The city shall have the burden of proving the alleged violation, other than a criminal provision of the code, by a preponderance of the evidence.

(c) A defendant may not be required to be a witness at trial.

(d) Notwithstanding any other provision of law, the court may admit the affidavit of any witness into evidence in lieu of taking testimony orally in court. The authority granted under this subsection is subject to all of the following.

(i) In order to allow testimony to be presented by affidavit, the court must adopt rules and procedures allowing for the use of affidavit (attached hereto as "Exhibit A").

(ii) The court shall allow testimony by affidavit only upon signed waiver by the defendant of the right to have the witness present for examination in court.

(iii) The court may allow testimony by affidavit under this subsection with respect to any matter including, but not limited to, matter described in ORS 40.460.

(iv) Nothing in this subsection requires the defendant or any other witness to waive the right to appear if testimony is taken by affidavit as provided by this subsection.

(e) Unless specifically set forth in the ordinance which is the basis for the violation, proof of a culpable mental state is not an element of a violation.

(f) The determination at trial shall be on the citation and upon any evidence that the court, in its discretion, determines is appropriate. The court may make such further investigation it deems necessary to resolve the case, and may call witnesses or order the production of documents and things that pertain to the matter.

(11) Judgment as Lien.

Any judgment entered shall be a lien against any real property owned by the defendant in the city, shall be entered upon the city's lien docket and may be foreclosed according to law or ordinance.

(12) Procedure Upon Order of Nuisance Abatement.

(a) If the defendant fails to abate any nuisance within the time directed by the court, the city may cause abatement to occur and seek a money judgment as provided by this section. The court shall retain jurisdiction over the proceeding until final order is entered that the nuisance has been abated.

(b) If the defendant fails to abate a nuisance within the time period provided by the court, the city may cause the nuisance to be abated, and move the court for entry of a money judgment. Upon receipt of the city's motion, the court shall cause a Notice and Statement of Judgment to be mailed to the defendant at the defendant's address as indicated on the most recent Curry County tax roll, or personally delivered to the defendant. The Notice and Statement of Judgment shall state that objections to the judgment must be

filed with the court within twenty days of the date of mailing of the Notice and Statement of Judgment or personal delivery thereof, as the case may be, and that any objection shall state with particularity the grounds for the objection. The fact that a contract was bid for nuisance abatement pursuant to Oregon public contracting law shall be irrefutable presumption as to the reasonableness of the costs of abatement.

(c) Upon receipt of a timely and properly filed objection to Notice and Statement of Judgment by the defendant, the court shall schedule a hearing on the grounds for the objection. After hearing, or after the expiration of the twenty-day period for filing objections, if no objection has been received, the court shall enter judgment for the city.

(13) Appeals.

(a) A party to a proceeding in municipal court may appeal from any judgment or other final determinative order. Any appeal from the municipal court shall be by writ of review, taken and perfected in the manner provided by ORS Chapter 34.

(b) In addition to any notices required to be served under ORS Chapter 34, notice of the appeal shall also be served upon the City Administrator.

(c) When the notice of appeal has been filed with the municipal court, the appellate court shall have jurisdiction over the matter. Failure to serve a notice of appeal on the City Administrator shall not preclude jurisdiction in the appellate court.

(14) Severability.

The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections

(15) Rules for the Use of Affidavit in Lieu of Taking Testimony at Trial.

(a) An affidavit must be in the witness's own handwriting and shall explain the relevant events in which they were involved or which they witnessed to the best of their ability.

(b) The witness's signature on the affidavit must be certified by a Notary Public of the state of Oregon prior to submission of the affidavit to the court.

(c) A copy of the completed and notarized affidavit should be kept by the person submitting the affidavit. The original must be submitted to the municipal court.

(d) Falsified affidavits submitted to the court are subject to prosecution for perjury and a fine of up to \$1,000.00.

**Personnel**

**1.405**            Personnel Policies.

(1)    Establishing Personnel Policies. The City of Gold Beach may establish personnel policies by resolution of the City Council.

**City Contracts**

**1.600**            Contract Review Board and Contracting Agency.

The Gold Beach City Council is designated as the local Contract Review Board of the City and shall have all the rights, powers, and authority necessary to carry out the provisions of ORS Chapters 279A, 279B, and 279C ( the “Public Contracting Code”), City Public Contracting Rules (“City Rules”) and the Gold Beach Code. The City Administrator, his or her designee, and any other purchasing agent as authorized by City policy, is hereby designated as the City’s “Contracting Agency” and may exercise all authorities, powers, and duties granted to a Contracting Agency under the Public Contracting Code and City Rules, unless otherwise limited by City Ordinance, resolution, or policy.

**1.605**            Opting Out of the Attorney General’s Model Rules

Public contracts shall be let by the City of Gold Beach in accordance with the State of Oregon Public Contracting Code and City Public Contracting Rules, to be adopted by resolution of the City Council and Local Contract Review Board if required by State law. The City hereby opts out of the Model Rules adopted by the Attorney General pursuant to ORS 279A.065, and hereafter those rules do not apply to the City.

**1.610**            Authority of the City Administrator

The City Administrator or his or her designee is authorized to:

- (1)    Enter into City contracts not to exceed \$75,000 without additional authorization of the Local Contract Review Board.
  
- (2)    Recommend that the Local Contract Review Board approve or disapprove contract awards in excess of \$75,000, or change orders or amendments to contracts more than \$75,000.

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**General**

**4.000**        Code Provisions as Law

The provisions of this code are the laws of the city of Gold Beach and nor merely prima facie evidence of the law.

**4.010**        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.

**4.020**        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.

**4.030**        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 done informally.

**4.040**            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.

**Business License Code**

**4.100**            Title

This portion of the Gold Beach Code shall be known as Business License Code.

**4.105**            Purpose of Business License Code

This code is enacted for the purpose of providing revenue for municipal purposes and revenue to pay the necessary expenses required to issue the licenses described herein.

**4.110**            Definitions

(1)        “Business” means any person, who sells, leases, or provides property, goods, food, things, entertainment or services for profit. The term “business” shall not include any activities conducted solely for charitable, religious, community or public purposes. The term “business” shall include providing property, goods, food, things, entertainment or services in return for donations which are accepted for the benefit of the provider.

(2)        “Business in the City of Gold Beach” and “do business in the City of Gold Beach” means to carry on a business as defined in subsection (1) within the City limits of the city of Gold Beach.

(3)        “Amusement machine” means devices containing games for skill or fun played by the public for consideration.

(4)        “Person” means all domestic and foreign corporations, association, syndicates, partnerships of every kind, joint ventures, societies and individuals.

**4.115**            Requirement for License.

Every business in the City of Gold Beach or conducting business within the city limits of the City of Gold Beach, shall obtain a business license. No person shall do business in the City of Gold Beach unless he has a license from the City of Gold Beach and has paid

the license fee prescribed herein. Any person representing himself or itself or exhibiting any sign or advertisement that he or it is engaged in any business in the City of Gold Beach for which a license fee is required by this code, shall be deemed to actually be engaged in such business and shall be liable for payment of such license fee and subject to this code.

**4.120**            Exclusions from Business License Requirement.

(1) No person who is employed by another person and whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall, for the purpose of this code, be deemed a person doing business in the City of Gold Beach, Oregon. It is the intention of the City that all licenses taxes and fees levied herein shall be borne by the employer and/or owner for the privilege of doing business in the City of Gold Beach.

(2) No person who owns property which is listed or advertised for sale and who is leasing this property until the sale can be completed shall be required to obtain a business license solely because of this lease; provided the person furnishes proof to the City Administrator that the person is actively attempting to sell the property.

(3) No person who delivers or distributes goods, food, and things exclusively to a business in the City of Gold Beach that has a valid city business license shall be required to obtain a business license.

(4) Nothing in this code shall be construed to apply to any person transacting or carrying on any business within the City of Gold Beach, Oregon, which is exempt from such license fee or regulation by the City, by virtue of the Constitution and/or laws of the United States or the Constitution and/or the laws of the State of Oregon.

**4.125**            Illegal Business or Profession.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit from the City of Gold Beach, Oregon, to the person engaged therein, to engage in any business which is unlawful, illegal or prohibited by the laws of the State of Oregon and/or the United States and/or of the code or ordinances of the City of Gold Beach, Oregon.

**4.130**            License Required for Each Business and Location.

A separate license is required for each business subject to this code and for each separate location of each business. The intent of this code is to issue a license to a business at a specific location and to require a separate license for all additional locations. An established business may move to another location without paying an additional fee, by applying for a TRANSFER OF LOCATION BUSINESS LICENSE. This transfer must meet all the criteria of a new business license application.

**4.135**            License Term, Transfer of License.

All licenses shall be issued for a period of one year commencing July 1<sup>st</sup> and continuing to June 30<sup>th</sup> of each fiscal year. All fees chargeable for said business licenses shall be due on or before July 1<sup>st</sup> of each year and payable by July 31<sup>st</sup> without penalty by the applicant for said license. Payments received after July 31<sup>st</sup> shall be subject to a late charge of ten percent of the balance due per month.

An applicant who makes application for a new license after July 1<sup>st</sup> and before December 31<sup>st</sup> shall pay the business license fee for an entire one-year period. An applicant, who makes application for a new license after December 31<sup>st</sup> and prior to May 31<sup>st</sup>, shall be charged one-half the annual license fee. A license granted under such application shall continue to June 30<sup>th</sup> of that fiscal year. An applicant who makes application for a new license after May 31<sup>st</sup> may obtain a license for the month of June and the following fiscal year by paying the annual license fee plus the fee for one month on a prorated basis, or, in the alternative, may pay one-half the annual license fee for a license which shall be effective only until June 30<sup>th</sup>. Such an applicant shall not be allowed to purchase a license for one month at a one-month prorated amount only.

In the event a licensee sells or transfers his business, his license may be transferred to the purchaser of said business without additional charge; provided, however, that the business shall be carried on in the same manner, to the same extent and at the same location as previously. Licenses may not be transferred from one location to another, even if the nature, extent of the business and/or occupation remains the same in the new location. A new license shall be obtained for each additional, new or changed location and a new fee shall be paid therefore.

#### **4.140**      Application for License.

All applications for business licenses shall be made in writing and shall be made on the application form which may be obtained from the City of Gold Beach business office. Applications for any license hereunder must be signed by the applicant and in all cases must set forth the true name of the person to be engaged in such business, the true owner thereof, and the person(s) to be in charge of each unit thereof.

#### **4.145**      License Fee Schedule.

License fees under the authority of this code shall be paid annually, unless otherwise specified, as follows:

- (1) \$75.00 per year unless specifically stated otherwise in one of the following subsections.
- (2) A business, which leases real property, shall pay the sum of \$75 per business per year plus \$3 per unit per year for every unit over three units leased. Hotels and motels shall pay the charge specified in paragraph 1, not the charge specified in this paragraph (2).

(3) A business, which is a carnival, circus, amusement ride, exhibition or other similar show, shall pay the sum of \$75 per day.

(4) A business, which operates amusement machines, shall pay the sum of \$50 per machine per year in addition to the business license fee specified in paragraph (1).

(5) A business, which operates food, beverage or cigarette vending machines shall pay the sum of \$10 per machine per year in addition to the business license fee specified in paragraph (1).

(6) Any person who does not pay the business license fee by July 31<sup>st</sup> of each fiscal year shall pay a late charge of 10% per month in addition to the regular fees unless the person is making application for a new business license.

(7) The fee schedule for the license(s) and late fees granted under this code may be amended from time to time by ordinance of the City Council.

*by resolution*  
**4.150**      Display of License.

Every person licensed under this code shall display the license in some conspicuous place on the premises of the business so licensed unless the business does not operate from an enclosed permanent location in the City of Gold Beach, in which case all persons doing business in Gold Beach shall have a copy of the license in their possession at all times. Each business operating amusement or vending machines shall conspicuously display a copy of the business license on each machine it operates.

**4.155**      Examination of Business Premises.

The City police chief and police officers are authorized to examine all places of business licensed or subject to license for violation of provisions of this code. Said investigation shall be done only at a reasonable business time and at reasonable intervals under the circumstances.

**4.160**      Regulation of Residential Sales.

No person shall do business at a residence in the City of Gold Beach without obtaining the express permission of the occupant of the premises to do business at that location.

**4.165**      Penalties and Civil Remedies.

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

As separate and distinct remedies from the above, the City may bring suit in a court of competent jurisdiction to obtain judgment and enforce collection of the license fees due under this code and may avail itself of the right of mandamus or injunction in such courts to properly enforce provisions of this code.

**4.170**            Revocation of Licenses.

All licenses are subject to all regulations imposed by the City. The final authority concerning said licenses shall at all times be vested in the City Council, which may, as herein provided, revoke, cancel or suspend any license for any fraud or misrepresentation in its procurement, for violations of any provisions of the code, ordinances or Charter of the City of Gold Beach, or for a violation of any state or federal statute or for any acts permitted by the licensee on the premises which would be a violation of any City code or ordinance, state statute, or federal statute, or which is a menace to the health, peace and general welfare of the City.

Nothing herein contained shall be taken or construed as vesting any right of any licensee, including a contractual right or obligation on the part of the City as to the amount or character of the license hereunder.

When the City Council receives information which causes the Council to consider a revocation of any privilege granted under this code, the Council shall give notice to the licensee to appear and show cause why the license should not be revoked. The City Recorder shall mail to the licensee via certified mail a notice citing the date, time and place for appearance and the general statement of the allegations upon which the Council bases the possible revocation. No formal pleading shall be necessary, except that the Council may require a complaining party, if any, to appear at the same time and place to give testimony concerning the Council investigation. Such hearing and investigation shall be informal. If any licensee shall fail to appear after proper notice has been given and received, the Council may revoke said license without further determination. After such hearing and/or investigation, the Council shall vote to determine whether cause exists for revocation of a license and take the appropriate action.

Whenever a license to conduct any business has been revoked by the City Council, no license shall be granted or re-issued to the same person or at the same location for any business without the approval of the Council. As a condition of such approval, the Council may, in its discretion, require the applicant to file with the City a bond in the penal sum of \$1,000, which shall conform in all respects to the provisions of this code and which shall be forfeited to the City if the person is thereafter convicted of a violation of federal state or city laws or ordinances for which such license may be revoked. The bond shall be required to be in force for the term of the license and shall not be surrendered or cancelled pending a final determination of any charge or accusation by federal, state or city officials against the licensee, of any violation of any state law or any law or code which might justify a forfeiture of such bond.

All indemnity company bonds must be written by a surety company, licensed to do business within the State of Oregon upon its regular indemnity bond form with the particular provisions provided therein as required within this code. The City Attorney must approve all such indemnity bond forms.

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

#### **4.200        Title.**

This portion of the Gold Beach Code shall be known as the Transient Room Tax and Community Promotion Fund Code of the City of Gold Beach.

#### **4.205        Definitions.**

Except where the context otherwise requires, the definitions given in this section govern the construction and interpretations of this code.

(1)        “Lodging establishment” means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty-days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity sorority, public or private club, provided such occupancy is for less than a thirty-day period.

(2)        “City Council” means the City Council of the City of Gold Beach, Oregon.

(3)        “Occupancy” means the use or possession, or right to the use or possession for lodging or sleeping purposes of any rooms or rooms in a lodging establishment.

(4)        “Operator” means the person who is the proprietor of the lodging establishment in any capacity. Where the operator provides services through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this code and shall have the same duties and liabilities as the principal. Compliance with the provisions of this code by either the principal or the managing agent shall be considered to be compliance to both.

(5)        “Person” means any individual, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(6)        “Cash accounting” means the operator does not enter the rent due from a transient on the business records until the rent is paid.

(7) "Community Promotions Committee" means a committee composed of five (5) members; two members appointed by the Council of the City of Gold Beach from applications received from the Gold Beach Chamber of Commerce membership and two members appointed by the Council of the City of Gold Beach from applications received from lodging establishment operators contributing to this fund and one member appointed by the Council of the City of Gold Beach from applicants received from the community at large that are directly involved with the tourist industry. Chamber Board Members are ineligible to serve on the Committee. The powers and duties of the committee are set forth in Section 4.280 of this code.

(8) "Accrual accounting" means the operator enters the rent due from a transient on the business records when the rent is earned, whether or not it is paid.

(9) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a lodging establishment, valued in money, goods, credits, property or other consideration valued in money without any deduction, but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of such unit or personal use or occupancy by such owner, so long as the charges are made in connection therewith for space occupancy.

(10) "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this code shall be the same charge made for rent when consideration is not a part of the package plan. The amount applicable to rent for determination of transient room tax under this code shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and taking into consideration charge for rent when the space is rented separately and not included in a package plan.

(11) "Tax" means the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which is required to report his collections.

(12) "Tax Administrator" means the City Administrator of the City of Gold Beach, Oregon.

(13) "Transient" means any individual who exercised occupancy or is entitled to occupancy in a lodging establishment for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the lodging establishment shall not be included in determining the thirty-day period if the transient is not charged rent for that day. Any individual so occupying space in a lodging establishment shall be deemed to be a transient until the period of thirty-days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than thirty consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this code may be considered. A person who

pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(14) "Community Promotion and Advertisement" means any activity that promotes tourism in a manner consistent with state law (ORS 320.300).

#### **4.210 Tax Imposed.**

For the privilege of occupancy in any lodging establishment, on or after the 1<sup>st</sup> day of June 1982, each transient shall pay six percent (6%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City, which is extinguished only by payment by the operator to the City. The transient shall pay the tax to the operator of the lodging establishment at the time the rent is paid. The operator shall record the tax when rent is collected if the operator keeps records on a cash accounting basis and when earned if the operator keeps records on an accrual accounting basis. If rent is paid in installments, the transient shall pay a proportionate share of the tax to the operator with each installment. In all cases the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishings of rooms, space or accommodations by the operator.

#### **4.215 Rules for Collection of Tax by Operator.**

(1) Every operator renting rooms or space for lodging or sleeping purposes in this City, the occupancy of which is not exempted under the terms of this code, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the City.

(2) In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectables.

(3) The Tax Administrator shall enforce provisions of this code. The City Council shall have the power to adopt by resolution, rules and regulations not inconsistent with this code as may be necessary to aid the Tax Administrator in enforcing this code.

(4) For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

(5) In instances where credit is extended to the transient for charges for the rental of the unit through the use of a credit card or other similar transaction whereby the amount paid to the operator is discounted by contract between the operator and the issuer of the credit 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.
- (3) 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.
- (4) 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 establishment registrant a certificate of authority to collect the tax. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- (1) The name of the lodging establishment.
- (2) Address of the lodging establishment.
- (3) The date upon which the certificate was issued.

(4) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Lodging Tax Code of the City of Gold Beach, by registration with the Tax Administrator for the purpose of collecting from transients the lodging tax imposed by said City and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a lodging establishment without strictly complying with all local applicable laws including, but not limited to, those requiring a permit from any board, commission, department or office of the City of Gold Beach. This certificate does not constitute a permit".

#### **4.235**            Due Date; Return and Payment

(1) The tax imposed by this code shall be paid by the transient to the operator at the time that rent is paid. All such taxes collected by any operator are due and payable to the Tax Administrator monthly on the first day of the following month for the preceding month; such taxes shall be considered delinquent after 8:00 A.M. on the tenth day of the month in which they are due.

(2) Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period, and an explanation in detail of any discrepancy between such amount and the amount of rents exempt, if any.

(3) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Tax Administrator by personal delivery or mail. If the return is mailed, the date and time it is received in the business office shall be considered the date of delivery for determining delinquencies.

(4) For good cause the Tax Administrator may extend the time for making any return or payment of tax. This extension shall not exceed one month and no further extension shall be granted, except by majority decision of the City Council. Any operator to whom an extension is granted shall pay interest at the rate of one and one-half percent per month on the amount of tax due without pro-ratio for a fraction of a month. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this code.

#### **4.240**    Penalties and Interest.

(1) Original delinquency. Any operator who has not been granted an extension of time for remittance of the tax due and who fails to remit any tax imposed by this code prior to delinquency, shall pay ten percent of the amount of the tax due in addition to the amount of the tax.

(2) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who failed to pay any delinquent remittance on or before a period of thirty-days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent of the amount of the tax due plus the amount of the tax and the ten percent penalty first imposed.

(3) Fraud. If the Tax Administrator determines that the non-payment of any remittance due under this code is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (a) and (b) of this section.

(4) Penalties merged with tax. Every penalty imposed and such interest as it accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(5) Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated provided, however, the operator may petition the Tax Administrator for a waiver and refund of the penalty or any portion thereof. The Tax Administrator may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

#### 4.245 Deficiency Determinations: Fraud or Evasion.

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

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

(b) The Tax Administrator shall give to the operator or occupant a written notice of his or her determination. The notice may be served personally or by mail. If by mail the notice shall be addressed to the operator at the address as it appears on the records of the Tax

Administrator. In case of service by mail of any notice required by this code, it shall be served by mailing such notice by certified mail, postage prepaid, return receipt requested.

(c) Except in case of fraud or intent to evade this code or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(2) Any determination shall become due and payable immediately upon receipt of notice and shall become final twenty days after the Tax Administrator has given notice thereof provided, however, the operator may petition the Tax Administrator for re-determination and refund pursuant to Section 4.250 if the petition is filed before the determination becomes final as provided in this subsection.

(3) Fraud, refusal to collect, evasion. If any operator shall fail or refused to collect said tax or to make, within the time provided in this code, any report or remittance of said tax or any portion thereof required by this code, or makes a fraudulent return or otherwise willfully attempts to evade this code, the Tax Administrator shall proceed in such a manner as may be deemed best to obtain the facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due that is imposed by this code from any operator who has filed or refused to collect the same, and to report and remit said tax, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided by this code. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice. The determination shall become final twenty days after the mailing of the notice provided however that the operator has a right to appeal to the City Council any decision of the Tax Administrator made pursuant to this section. The operator's right to appeal is pursuant to Section 4.285 herein. In the event of an appeal, the decision of the City Council will be final at the time it is rendered.

(4) Operator delay. If the Tax Administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delays, or if any determination will be jeopardized by delay, the Tax Administrator shall thereupon make a determination of the tax owed. The amount so determined as herein provided shall be immediately due and payable. The operator shall immediately pay such determination to the Tax Administrator after notice has been served. The operator may petition after payment has been made, for redemption and refund of such determination if the petition is filed within twenty days from the date of notice served by the Tax Administrator.

#### 4.250 Re-determinations.

(1) Any person against whom a determination is made under Section 4.245 or any person directly interested in the determination may petition for a re-determination and redemption and refund within the time required in Section 4.245 (2). If a petition for re-determination and refund is not filed within the time required in Section 4.245 (2), the determination becomes final at the expiration of the allowable time.

(2) If a petition for re-determination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination. If the person has so requested in his or her petition, the Tax Administrator shall grant the person an oral hearing and shall give the person twenty days notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.

(3) The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing. If an increase is determined such increase shall be payable immediately after the hearing.

(4) No petition for re-determination or redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

#### **4.255**      Security for Collection of Tax.

(1) The Tax Administrator, whenever it is deemed necessary to insure compliance with this code, may require the operator subject thereto to provide the City with a security in the form of cash, bond or other security as determined by the Tax Administrator. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the operator's estimated average monthly liability for the period of the return, determined in such a manner as the Tax Administrator deems proper, or five thousand dollars, whichever amount is less. The amount of security may be increased or decreased by the Tax Administrator subject to limitations herein provided. The operator has a right to appeal to the City Council any decision of the Tax Administrator made pursuant to this section. The operator's right to appeal is pursuant to Section 4.285 herein.

(2) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Tax Administrator may bring any action in the courts of this state, or any other state, or of the United States in the name of the City to collect the amount delinquent together with penalties and interest.

#### **4.260**      Lien.

The tax imposed by this code together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Curry County, Oregon and advertising costs which may be incurred when same becomes delinquent as set forth in this code shall be and until paid remain a lien from the date of its recording with the Curry County Clerk of Curry County, Oregon. Said lien shall be superior to all subsequent recorded liens on all tangible

personal property used in the lodging establishment of an operator within Gold Beach and may be foreclosed on and sold as may be necessary to discharge said lien if the lien has been recorded with the County Clerk of Curry County, Oregon. The Tax Administrator or designee may issue notice of the lien whenever the operator is in default in the payment of said tax. Interest and penalty shall be recorded with the County Clerk of Curry County, Oregon and a copy sent to the delinquent operator. Any personal property subject to such lien seized by any deputy or employee of the Tax Administrator may be sold by the department seizing same at public auction after ten days notice, which means one publication in a newspaper published in the City of Gold Beach, Oregon. Any lien for taxes shown on the records of the proper county official shall, upon payment of all taxes, penalties, and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the City. The operator or person making such payment shall receive a receipt therefore stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is hereby released and the record of lien is satisfied.

#### 4.265      Refunds.

(1)      Refunds by the City to the operator. Refunds by the City to the operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this code, it may be refunded, provided a verified claim in writing stating the specific reason upon which the claim is founded is filed with the Tax Administrator within three years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the operator from whom it was collected or paid and the balance may be refunded to such operator, executors or assigns.

(2)      Refunds by City to transient. Whenever the tax required by this code has been collected by an operator and deposited by the operator with the Tax Administrator and it later is determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the transient provided a verified claim is founded and filed with the Tax Administrator within three years from the date of payment.

(3)      Refunds by operator to tenant. Whenever the tax required by this code has been collected by the operator and it is later determined that the tenant occupies the lodging establishment for a period exceeding thirty-days (30) without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as a transient. The operator shall account for such collection and refund to the Tax Administrator. The operator shall be entitled to a corresponding refund under this section if the tax was remitted prior to the refund or credit to the tenant.

(4)      No interest shall be paid by the Tax Administrator on any refunds made under this section.

**4.270**            Purpose of and Distribution Formula for Transient Room Tax Receipts.

It is the intent and purpose of this code to raise revenues for funding of a program of community advertising and promotion, and the disbursement formula therefore is as follows:

(1) Each operator liable for collection and remittance of the Transient Room Tax as imposed by this code, shall withhold five percent (5%) of the net tax collected to cover the operator's expense in collection and remittance of said tax.

(2) Whenever the tax required by this code has been collected by the operator and it is later determined that the tenant occupies the lodging establishment for a period exceeding thirty-days (30) without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as a transient. The operator shall account for such collection and refund to the Tax Administrator. The operator shall be entitled to a corresponding refund under this section if the tax was remitted prior to the refund or credit to the tenant.

(3) There is hereby created a special fund of the City of Gold Beach to be known as "The Community Advertising and Promotion Fund" into which the Tax Administrator shall deposit seventy-five percent (75%) of the net tax collected under this code. Said fund shall be completely separate and apart from any other special or general funds of the City of Gold Beach

**4.275**            Record Keeping and Inspection.

(1) Records required for operators. Every operator shall keep guest records of room sales and accounting books and records of the room sales. Operators shall retain all such records for a period of three years and six months.

(2) Examination of records; investigations. The Tax Administrator or designee may examine during normal business hours records relating to room sales of any operator liable for the tax. The Tax Administrator may investigate the business of the operator to verify the accuracy of any return made or, if the operator makes no return, to ascertain and determine the amount required to be paid

(3) Confidential character of information obtained. It shall be unlawful for the Tax Administrator or any person having an administrative or clerical duty under the provisions of this code to make known in any manner whatsoever the business affairs, operations or information obtained by an investigation of records and equipment of any 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 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) 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 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. Committee members shall not receive any compensation for their services on the committee.

(5) The role of the committee is to formulate a long-range strategy and plan for community promotion and advertising for the greater Gold Beach area including, but not limited to, a comprehensive media campaign for such promotion.

(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. 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.

If any section, subsection, paragraph, sentence, clause or phrase of this code, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this code or any part thereof.

#### **4.290**            Violations.

It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail to furnish a supplemental return or other data required to make, render, sign or verify any report shall make any false or fraudulent report, with the intent to defeat or evade the determination of any amount due required by this code.

#### **4.295**            Penalties.

Any person willfully violating any of the provisions of this code shall be guilty of a misdemeanor and may be punishable by a fine of not more than five hundred dollars

(\$500.00). The maximum fine may be amended from time to time by ordinance of the Gold Beach City Council.

### **Gold Beach Sign Code**

#### **4.300**      Title.

This portion of the Gold Beach Code shall be known and cited as the City of Gold Beach Sign Code.

#### **4.305**      Purposes.

This code has been enacted for the following purposes:

- (1) To provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. The regulations of this Sign Code are not intended to permit any violations of the provisions of any other lawful code or ordinance of the City.
- (2) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
- (3) To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties.
- (4) To reflect and support the desired character and development patterns of the City.
- (5) To allow for a variety in number and type of signs in commercial and industrial zones while preventing signs from dominating the visual appearance of the area.
- (6) To ensure that the constitutionally guaranteed right of free speech is protected.
- (7) To allow for a variety in number and type of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

#### **4.310**      Definitions.

For the purpose of this Sign Code, certain terms, phrases, and words shall have the specific meaning they are given in this Code or, if not defined in this Code, the meaning given in the Uniform Building Code. Where terms are not defined either in this Code or the Uniform Building Code (UBC), they shall have their ordinary accepted meaning within the context of which they are used. Webster's International Dictionary of the English Language shall be

considered as providing an ordinary accepted meaning. The following definitions control in this Code:

- (1) Approved Plastic Material. Shall be those having a self ignition temperature of 650 degrees F, or greater, when tested in accordance with UBC Standard No. 52-3, and a smoke density rating not greater than 450, when tested in accordance with UBC Standard 42-1 in the manner intended for use, or a smoke density rating no greater than 75, when tested in the thickness intended for use by UBC Standard 52-2. Approved plastic shall be classified as CCI or CC2, in accordance with UBC Standard 52-4.
- (2) City Official. The City Administrator or designee.
- (3) Curb Line. Curb line is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Official.
- (4) Fin Sign. A sign attached to and projecting out from a building face or wall and generally at right angles to the building. Fin signs include signs projecting totally in the right-of-way, partially in the right-of-way, or fully on private property.
- (5) Ground Sign. A sign supported by one or more supports placed in or upon the ground which is not attached to any building.
- (6) Height. The height of a sign is the vertical distance above grade at the lowest point of grade under any part of the sign to the highest point of the sign.
- (7) Illuminated Sign. Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes.
- (8) Inoperable Vehicle Sign. Any sign attached or painted on a vehicle or trailer that is not operable or does not have a current valid license.
- (9) Marquee. A permanent, fixed structure extending over the entrance to a building and serving some purpose other than strictly to provide shelter.
- (10) Noncombustible. As applied to building construction material means a material which, in the form in which it is used, is either one of the following:
  - (a) Material of which no part will ignite and burn when subjected to fire. Any material conforming to UBC Standard No. 4-1 shall be considered noncombustible within the meaning of this section.
  - (b) Material having a structural base of noncombustible material as defined in subsection a. above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.

(c) Noncombustible does not apply to surface materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (a) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

(d) Flame-spread rating as used herein refers to a rating obtained according to tests conducted as specified in UBC Standard No. 42-1.

(11) Obsolete Sign. Any sign which no longer applies to the business, property or site upon which it is located or which advertises a business which has been closed permanently. Any business which does not operate for 120 consecutive days shall be deemed permanently closed unless the operator establishes that the business will resume operations within one year.

(12) Outline Illumination. Lighting around the exterior of a sign face consisting of exposed reflective-type bulbs, incandescent lamps exceeding 40 watts, fluorescent lamps or neon tubing.

(13) Pole Sign. A sign on a frame, pole, or other support structure which is not attached to any building and is a sign wholly supported by a sign structure in the ground.

(14) Projecting Sign. Projecting sign is a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

(15) Projection. The distance by which a sign extends over public property or beyond the building line.

(16) Roof Sign. Signs erected, constructed and maintained wholly upon or over the roof on any building, with the principal support on the roof structure.

(17) Sign. Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, private roadway or another property, excluding canopies.

(18) Sign Face Area. The total area of a sign face, including all decorative or structural trim, facing announcement, demonstration display, illustration, or any other attention-getting device, exclusive of essential structural supports. (See figures 1-A, 2-A and 3-A) appendix page 1. This excludes canopies, only the actual painted advertising message portion of the canopy is included in the sign face area.

(19) Sign Structure. Any structure which supports or is capable of supporting any sign.

(20) Temporary Sign. A sign not permanently attached to a building, structure, or the ground.

(21) Uniform Building Code or UBC. The Uniform Building Code promulgated by the International Conference of Building Officials as adopted by the City of Gold Beach.

(22) Vision Triangle. The vision triangle shown on appendix page 2, Figure 4A.

(23) Wall Sign. A sign attached to or painted on the exterior wall of any building or other structure. This includes signs attached to canopies, awnings, marquees or similar structures.

(24) Directional Signs.

(a) Arrows that are painted on pavement to direct traffic.

(b) Words on pavement to indicate type of parking space.

(c) Signs directing the public to business not visible from the street or sidewalk.

(d) Signs directing traffic to parking areas.

(e) Signs directing the public to rest rooms and or aid stations.

(f) Signs-"entrance, exit, office" (indicating office of the business).

(g) Directional signs shall not include names or type of business.

(25) Cluster Signs.

(a) Small individual signs attached to or suspended from a business name sign structure advertising products sold on the premises.

(b) Small individual signs attached to the building wall. Each wall of a building shall be considered a separate cluster.

(c) Each sign in a cluster shall not exceed 1.5 sq. ft.

(26) Political Signs. Political signs are signs which advocate in favor of, or opposition to a candidate for public office, a political party or a ballot measure.

(27) Property. Property shall mean Tax Lot.

#### **4.315** Permit Required.

(1) No person shall erect, re-erect, construct, alter or maintain any sign unless that person obtains a sign permit for that sign.

(2) A separate sign permit is required for each sign and sign structure. Small cluster signs advertising the same business may be included in one permit. For cluster signs-each wall shall require a separate permit.

(3) A new sign permit is required each time a sign is relocated or reconstructed unless relocation is required by action of the State, County or City.

(4) The City Official shall grant an application for a sign permit if the City Official determines that the sign will meet all the requirements of this Code and all other requirements of state and federal law.

(5) If the sign meets all the requirements of this Code except the size and spacing requirements set forth in Section 4.365, and if:

(a) The sign was in place at the existing location on the date the first Gold Beach Sign Ordinance became effective; and

(b) The sign meets all requirements of state and federal law (including ORS 377.700-377.840); and

(c) The sign has had proper permits (if required) issued for its construction by all permit agencies,

then the City Official shall issue a sign permit which shall only authorize display of such a non-conforming sign until major repair, maintenance or replacement is required. Major repair or maintenance means repair or maintenance work costing more than 50% of the value of the sign.

(6) Any person erecting, re-erecting, constructing, altering or maintaining a sign without a valid sign permit shall remove that sign.

#### **4.320**      Other Permits.

(1) An additional electrical permit shall be obtained from the appropriate authority for electrical signs.

(2) Obtaining a sign permit from the City of Gold Beach does not relieve the owner of the sign from compliance with all other state or federal requirements nor from the obligation to obtain all other necessary permits.

(3) Outdoor Advertising Signs require a permit from the Director of Transportation under ORS 377.725 and shall comply with all applicable Oregon Administrative Rules, including OAR 734-060-0005.

#### **4.325**      Application for Permit.

Application for a sign permit shall be made in writing upon forms furnished by the City. Such application shall contain the name of the sign owner, location by street number of the proposed sign or sign structure, the name and address of the contractor or erector, and any plans or other pertinent information required by the City where such information is necessary to insure compliance with this Code.

**4.330**            Permit Fee.

The applicant shall pay such fees as specified and amended from time to time by ordinance of the City Council. Installation shall be completed not more than 90 days after the permit date. A 45-day extension may be granted if applied for in writing. If the sign is not installed within the times permitted, the permit shall be void. The square foot charge is based on the total sign face area for each property as defined in Section 4.010 (18).

**4.335**            Permit and Fee Exceptions.

(1)    The following signs and operations shall not require a sign permit or fee but shall conform to all other applicable provisions of this Code:

- (a)    Temporary Signs.
- (b)    The changing of the advertising copy or message on a painted or printed sign or sign which is specifically designed for the use of replacement copy.
- (c)    The painting, repainting, cleaning or normal maintenance of a sign face.
- (d)    Directional signs painted on the pavement.
- (e)    Directional signs painted on buildings or attached to posts or buildings shall not be more than 2.25 square feet in area.
- (f)    Directional signs shall not be included in allowed sign space.
- (g)    Political signs (must be removed within 10 days following the final election for which they are intended).

(2)    Signs erected prior to February 14, 1989 that have a conforming valid paid permit on file shall not require a fee but shall require a permit and shall conform to all other applicable provisions of this Code:

**4.340**            Exempt Signs.

The following signs are exempt from the provisions of this Code, but may be subject to other Gold Beach Codes or Ordinances:

- (1)    Signs legally erected in the right of way;

- (2) Building address numbers;
- (3) National, international and state flags;
- (4) All signs erected by a public officer in the performance of a public duty.

**4.345**        Prohibited Signs.

The following signs are prohibited:

- (1) Signs with strobe lights or flashing lights except time and temperature display;
- (2) Signs attached to or painted on a vehicle that is not operable or does not have a current license;
- (3) Signs with moving parts;
- (4) Obsolete signs;
- (5) Signs in areas zoned residential which exceed 3 square feet unless the owner has obtained a conditional use permit for a home occupation in which case signs in excess of 9 square feet are prohibited.
- (6) Signs situated in a manner which results in the blocking, or partial blocking of an existing sign.

**4.350**        Nonconforming Signs.

- (1) Signs not in compliance with the repair and maintenance standards of this Code (Section 4.355), shall be brought into compliance not later than 30 days after notification by the City.
- (2) Signs not in compliance with the structural standards of this Code (Sections 4.365 and 4.370) shall be brought into compliance not later than 90 days after notification by the City.
- (3) The owner of signs or property not in compliance with the size or spacing requirements of Section 4.365 of this Code shall remove all signs necessary to bring the signs or property into compliance when the sign requires major repair or maintenance (see section 4.315 (5)).
- (4) Whenever a nonconforming sign is reconstructed, a new sign permit is required. Whenever a nonconforming sign is relocated, a new sign permit is required unless the relocation is required by action of the federal, state, county or city government. No new sign permit shall

be granted unless the sign and property are in compliance with all requirements of this Code, including the size and spacing requirements of Section 4.365 of this Code.

**4.355**            Maintenance of Signs.

All signs and sign support structures, together with their support, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Any sign or section, or part thereof, which is damaged 50 percent or more by wind, storm, fire or other cause, or becomes structurally unsound for any reason, shall be removed within ten days thereof, and not replaced until a new sign permit is obtained through the City as provided in this Code.

**4.360**            Inspections.

All signs for which a permit is required shall be subject to inspection by the City Official. Footing inspections may be required by the City Official for all signs having footings. All signs containing electrical wiring shall be subject to the provisions of the governing electrical code and the electrical components used shall bear the label of an approved testing agency. The City Official shall order the removal of any sign that is not maintained in accordance with these provisions or the provisions in Section 4.355.

**4.365**            Size and Spacing of Signs.

(1) Each property shall be allowed total sign face area which shall be equal to 1-1/2 square feet of signage for each linear front footage of the property on which the sign is to be located except:

(a) Each property shall be allowed at least 50 square feet of total sign face area and no more than 300 square feet of total sign face area except as set forth in subsections (b) and (c) below.

(b) A double faced sign that displays the identical advertising copy on both sides but can only be viewed from one direction shall have each side counted as 50% of allowed sign face area for that sign.

(c) Any property serving more than one business shall be allowed an additional ten square feet of total sign face area per business.

(2) No single sign face area shall exceed 200 square feet.

(3) For those signs which require a State permit, the minimum space between such signs within the City of Gold Beach and on the same side of the highway shall be 300 feet. For purposes of applying this spacing limitation, the following standards shall be used:

(a) Distances shall be measured lineally along the highway parallel to the center line of the highway.

(b) A back-to-back, double-faced or V-type sign shall be considered one sign.

**4.370**      Design and Construction.

(1) Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof.

(2) Signs will be designed and constructed to the following load standards:

(a) Wind Loads. Signs and structures shall be designed and constructed to resist wind forces as specified in Section 23 of the Uniform Building Code.

(b) Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the Uniform Building Code.

(c) Combined Loads. Wind and seismic loads need not be combined in the design of signs or sign structures, only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind and seismic loads.

(3) Allowable Stresses. The design of wood, concrete, steel or aluminum members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the Uniform Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Uniform Building Code. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Working stresses for seismic loads combined with dead loads may be increased as specified in Chapter 23 of the Uniform Building Code.

(4) Construction. Signs shall be constructed to the following standards:

(a) The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

(b) Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the Uniform Building Code. In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:

(i) Structural steel shall be of such quality as to conform with UBC Standard No. 27-1. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designated in accordance with the specifications of the design of light gauge steel, as specified in UBC Standard No. 27-9, and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 24 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be 1/4 inch, except that, if galvanized, such members shall not be less than 1/8 inch thick. Steel pipes shall be of such quality as to conform with UBC Standard No. 27.

(ii) Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

(iii) Anchors and supports when of wood and embedded in the soil, or within 6 inches of the soil, shall be heartwood of a durable species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(c) Combustible Materials. Ground signs may be constructed of any material meeting the requirements of this code. Combination signs, roof signs, wall signs, projecting signs and signs on marquees shall be constructed of noncombustible materials, except as provided in subsection (d) of this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.

(d) Nonstructural Trim. Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.

(e) Anchors. Sign anchors shall conform to the following requirements:

(i) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25 percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

(ii) Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in this section.

(iii) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(iv) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(v) No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the Uniform Building Code.

(f) Display Surfaces. Display surfaces in all types of signs may be made of metal, glass, approved plastics or wood.

(g) Height and Setbacks. All sign installations shall comply with the current Zoning Ordinance of the City of Gold Beach requirements for set-backs and building height. The total height shall be the combination of sign and building if the sign is roof-mounted.

#### 4.375 Projection and Clearance.

(1) Signs shall conform to the clearance and projection requirements of this section, including Tables A and B contained in subsections 7 and 8 of this section.

(2) High Voltage Power Lines. Signs shall be located not less than 6 feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(3) Fire Escapes, Exits or Standpipes. No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

(4) Obstruction of Openings. No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the Uniform Building Code.

Signs erected within 5 feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

(5) Projection over Alleys. No sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 12 inches where the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not

more than 36 inches into the public alley where the sign or sign structure is located more than 16 feet above grade.

- (6) Clearance from Streets. Signs shall not project within 2 feet of the curb line.
- (7) Clearance Requirements for Projecting Signs.

TABLE A – CLEARANCE OF PROJECTING SIGNS

<u>CLEARANCE</u>	<u>MAXIMUM PROJECTION</u>
Less than 8'	Not permitted
8'	1'
8' to 16'	1' plus 6" for each foot of clearance in excess of 8'
Over 16'	5'

- (8) Maximum Thickness of Projecting Signs.

TABLE B - THICKNESS OF PROJECTING SIGNS

<u>PROJECTION</u>	<u>MAXIMUM THICKNESS</u>
5'	2'
4'	2'6"
3'	3'
2'	3'6"
1'	4'

**4.380** Fin Signs.

- (1) Fin signs shall be constructed of noncombustible material, except as otherwise provided in this Code.
- (2) All supports of fin signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in this Code.
- (3) Fin signs may project beyond the property or legal setback in accordance with projection limits specified in this Code, with permission of the adjacent property owner over which the sign projects.
- (4) The thickness of that portion of a fin sign which projects over public property shall not exceed the maximum set forth in Table B.

**4.385** Pole Signs.

(1) Pole signs shall be constructed of noncombustible material, except as otherwise provided in this Code.

(2) All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in this Code.

(3) Projection of pole signs shall conform to the requirements of this Code.

**4.390**        Ground Signs.

(1) Ground signs shall be constructed of any material meeting the requirements of this Code, except as otherwise provided in Section 4.370.

(2) Ground signs shall be designed in accordance with the requirements of this Code.

(3) Ground signs shall not project over public property or beyond a legal setback.

**4.395**        Roof Signs.

(1) Roof signs shall be constructed of noncombustible materials, except as otherwise provided in this Code.

(2) Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected and shall be designed in accordance with the requirements specified in this Code.

(3) Projection. Roof signs may project over public property or beyond a legal setback line complying with the requirements as specified in this Code with permission of the adjacent property owner over which the sign projects.

(4) Clearance and Access. A passage clear of all obstructions shall be left under or around, and immediately adjacent to, all signs exceeding a height of 4 feet above the roof thereunder. Such passages shall be not less than 3 feet wide and 4 feet high and shall be at parapet or roof level. There shall be one such passage or access opening as follows:

(a) For each roof sign upon a building.

(b) An access opening for every 50 lineal feet of horizontal roof sign extension.

(c) Within 20 feet of walls and parapets when roof signs are at right angles to a face of the building.

**4.400**        Wall Signs.

(1) Wall signs shall be constructed of noncombustible material, except as otherwise provided in this Code.

(2) Wall signs shall be designed in accordance with the requirements specified in this Code.

(3) Projection. No wall sign shall have a projection over public property or beyond a legal setback line greater than the distances specified in this Code nor shall it extend above any adjacent parapet or roof of the supporting building.

(4) Thickness. The thickness of that portion of a wall sign which projects over public property or a legal setback line shall not exceed the maximum as set forth in Table B.

#### **4.405**      Projecting Signs.

(1) Projecting signs shall be constructed of noncombustible materials, except as otherwise specified in this Code.

(2) Projecting signs shall be designed in accordance with this Code.

(3) Projection. Signs may project over public property or a legal setback line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in Table A with the permission of the property owner over which the sign projects.

(4) Thickness. The thickness of a projecting sign exclusive of letters and trim shall not exceed that set forth in Table B.

#### **4.410**      Combination Signs.

(1) Combination signs are signs incorporating two or more types of signs as defined and described in the Code. Combination signs shall be constructed of noncombustible materials, except as otherwise specified in this Code.

(2) The individual requirements specified in this Code for roof, projecting and pole signs shall be applied to combination signs which incorporate one or more of those types of signs.

(3) All supports of combination signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements of this Code.

(4) Projection. Combination signs may project over public property or beyond a legal setback line as specified in this Code with permission of the property owner over which the sign projects.

(5) Thickness. The thickness and height of that portion of a combination sign which projects over public property shall not exceed the maximum as set forth in Tables A and B.

**4.415** Marquees.

Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the Uniform Building Code.

**4.420** Electric Signs.

(1) Electric signs shall be constructed of noncombustible materials, except as otherwise allowed by this Code.

(2) The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.

(3) Installation. Electrical equipment used in connection with display signs shall be installed in accordance with local and state codes and Gold Beach Codes or Ordinances regulating electrical installation.

(4) Erector's Name. Every electric sign projecting over any street or alley or public place shall have painted on the surface of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide such name and date shall be grounds for rejection of the sign by the City Official.

(5) Lighting shall illuminate the advertising message only.

**4.425** Temporary Signs.

(1) No permits are required for temporary signs.

(2) Temporary signs shall be limited to a maximum of 18 square feet, except banners for which a state sign permit is obtained.

(3) Temporary signs shall be included in determining the total allowable sign space for each property as limited by Section 4.365 of this Code.

(4) Except as provided in subsection (5) of this section, no temporary sign shall remain in place more than 40 days in any one calendar year or more than 40 consecutive days. Signs in place for a longer period of time shall be removed unless a sign permit for a permanent sign is obtained.

(5) Temporary signs exempt from 40-day time limit are:

(a) Signs displayed only during business hours and removed from view at the end of each day.

(b) Real estate signs posted on the property for sale, rent or lease. Such signs shall be removed ten days after the close of escrow or recording of sale documents.

(6) Temporary signs shall comply with section 4.370 (2) (a) and sections 4.375 (1) through 4.375 (4) of this Code.

#### **4.430**        Political Signs.

(1) No permits are required for political signs.

(2) Political signs shall be limited to a maximum of 32 square feet.

(3) Political signs shall be included in determining the total allowable sign space for each property as limited by section 4.365 of this Code.

(4) Political signs must be removed within ten (10) days following the final election for which they are intended.

(5) Political signs shall comply with section 4.370 (2) (a) and sections 4.375 (1) through 4.375 (4) of this Code.

#### **4.435**        Prohibited Conduct.

(1) No person shall install or attach any sign or poster to any utility pole, city sign pole, city sign standard or state sign pole or standard within the City of Gold Beach.

(2) No person shall erect, construct, maintain, repair or alter any permanent or temporary sign except in accordance with the provisions of this Code.

(3) No permanent sign shall be installed in a vision triangle. A temporary sign may be installed in a vision triangle, however, no temporary sign shall be located more than 30 inches above the road surface adjacent to the curb in the vision triangle. Height shall include supports and trim. **(See Figure 4, page 18-A.- this is not part of the ordinance we have.)**

#### **4.440**        Administration and Appeals.

(1) The City Official or designee is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(2) Alternate Materials and Methods of Construction. The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically proscribed by this Code, provided any such alternate has been approved as provided in this subsection. The City Official may approve any such alternate provided he/she finds that the

proposed design is satisfactory and complies with the provisions of this Code and/or the State Building Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety. The City Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(3) Appeals.

(a) An affected person may appeal to the City Council from a decision of the City Official or designee made pursuant to this Code. Such appeal shall be taken within fifteen days of the decision by filing with the City Official a notice of appeal, specifying the action appealed from and the grounds for appeal. The City Official shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from is taken.

(b) The decision of the City Official which is under appeal shall remain in effect during the appeal unless the City Official certifies to the City Council that, by reason of facts stated in the appeal, the City Official concludes that a stay is necessary to avoid immediate harm to the public health, safety or welfare or to property; in which case the decision shall be stayed until the appeal is decided. If the City Official refuses to grant a stay, the decision will remain in effect unless a stay is granted by a court having jurisdiction of the matter.

**4.445** Sign Code Variance Procedures.

The City Council may grant sign code variances in accordance with the following procedures:

(1) Application. An application and related information shall be submitted by the applicant in the manner prescribed by the City Official, together with the fee established from time to time by ordinance passed by the City Council.

(2) Notice. Within ten days of receipt of a complete and accurate application, and at least ten days before the City Council hearing, the City Official shall mail notice of the request to abutting property owners and occupants, including properties that would be abutting were it not for intervening streets or alleys.

(3) Timeline. Unless the applicant agrees to a longer time period, the City Council shall hold a hearing on the application and shall approve, conditionally approve, or deny a variance, with findings and conclusions thereon, within 30 days of receipt of a complete and accurate application.

(4) Criteria. The City Council's decision shall be based on the following criteria:

(a) Strict or literal interpretation and enforcement of certain of the regulations would result in practical difficulties and unnecessary physical or economic hardships inconsistent with the objectives of this Code.

(b) A practical difficulty or unnecessary hardship may result from:

(i) The size, shape or dimensions of a site, or the locations of existing structures thereon;

(ii) Geographic, topographic or other physical conditions on the site or in the immediate vicinity, or

(iii) Population densities, street locations or traffic conditions in the immediate vicinity.

(c) An economic hardship is one which results from an individual's inability to fairly and reasonably amortize the value of a nonconforming sign within the period of time prescribed by this Code. The power to grant variances does not extend to an economic hardship related to the cost, size or location of a new sign, or to the convenience of the applicant; nor is it intended to extend to the convenience of regional or national businesses who wish to use a standard sign, when those do not conform to the provisions of this Code.

(5) The City Official or designee shall mail a copy of the decision to the applicant and persons who have requested a copy on the date it is rendered.

(6) Expiration of Variance. Unless actual construction or alteration has begun within 90 days, a variance approval terminates. However, prior to expiration, the applicant may request in writing and the City Official or designee may extend approval for six-month periods. The City Official or designee shall not extend approval for more than two years from the first effective approval date.

(7) Compliance with Conditions Required. If a variance is granted subject to certain conditions or a substitute plan, compliance with the conditions or the substitute plan is required. Departure from approval conditions or the substitute plan is a violation of this Code.

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

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

(2) The owner or lessee shall have ten days to execute and deliver to the City Official or designee an assurance of voluntary compliance. The assurance shall set forth what actions, if any, the owner or lessee intends to take with respect to the alleged violation. The assurance of voluntary compliance shall not be considered an admission of a violation for any

purpose. If the City Official or designee is satisfied with the assurance of voluntary compliance, it may be submitted to the Municipal Court for approval and, if approved, shall be filed with the clerk of the court as an order of the court.

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

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

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

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

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

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

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

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

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

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

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

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

**4.470**            Enforcement - Violation.

(1) Any person violating any of the provisions of this Code may be punished, upon conviction thereof, by a fine not to exceed \$300, or such other amount as the Gold Beach City Council shall set from time to time by ordinance. A violation as to each individual sign occurring for one day shall be considered a separate violation.

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

**Vendor Assisted Tobacco Sales Code**

**4.500**            Findings.

(1) Youth addiction to tobacco products is a public health problem with grave health consequences.

(2) Tobacco use is the leading preventable cause of death in Curry County.

(3) Each day in Oregon, the equivalent of a classroom full of children begins smoking. In Curry County, 22% of students begin smoking before age 13, 28% of high school students' smoke and 6% chew tobacco.

(4) More than half the tobacco retail outlets in Curry County have self-service tobacco displays when customers, including young people, have access to cigarettes, spit tobacco, and cigars without the assistance of a store employee.

(5) Cigarettes are the item most frequently taken by shoplifters.

**4.505**            Purpose.

The purpose of this Code is to limit the sale of tobacco products to minors by way of vendor assisted tobacco sales.

**4.510**            Definitions.

(1) "Minor" – Any person under eighteen years of age.

(2) "Self-Service Displays" – Open display of tobacco products to which the public has access without the assistance of a store employee.

(3) "Tobacco product" – Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(4) "Tobacco Retail Store" – A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(5) "Vendor Assisted" – Only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product; the customer does not take possession of the tobacco product until after it is purchased.

**4.515**         Vendor Assisted Tobacco Sales Required.

Except as provided in Section 4.520., no person or business may sell, permit to be sold, or offer for sale any tobacco product by means of self service displays or any means other than Vendor-Assisted Sales.

**4.520**         Exceptions.

This Code shall not apply to Tobacco Vending Machines regulated by Oregon State Law, Tobacco Retail Stores, or to any business, retailer or establishment that is licensed by the Oregon Liquor Control Commission for a dispensing license and required to be posted preventing minors from access to the premises.

**4.525**         Non-retaliation.

No person or employer may discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this Code.

**4.530**         Penalties.

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

**Social Gaming Code**

**4.600**         Title.

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

**4.605**         Gambling prohibited.

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

**4.610**            Definitions.

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

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

(2)     “Social games” mean:

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

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

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

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

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

#### **4.620**      License Required.

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

#### **4.625**      Application for License.

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

- (1) True name and address of the applicant and location of the business establishment.
- (2) True name and address of all owners of the business establishment for which the license is requested. If different than the applicant, then the name of the manager in charge of said business establishment.
- (3) Number of tables to be licensed.
- (4) Primary type of business conducted on the premises.
- (5) The names and addresses of any other persons who will supervise the play of social games.
- (6) Any other information requested by the Council or the City Administrator.

#### **4.630**      Consideration of Application.

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

(a) Grant the license.

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

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

(2) The license shall not be granted if:

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

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

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

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

**4.635**        Issuance of License.

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

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

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

(3) The date and duration of said license.

**4.640**        Responsibility of Licensee.

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

**4.645**            License Non-Transferable.

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

**4.650**            License Fee, Duration and Renewal.

The annual fee schedule for a social games license granted under this Code shall be by resolution of the City Council.

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

**4.655**            Suspension and revocation of license.

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

- (1) Any owner or manager of the business premises has been convicted of a felony within the last ten (10) years.
- (2) Any owner or manager or social games supervisor of the business premises has been previously convicted of any crime involving gambling, or has been involved directly or indirectly in a forfeiture proceeding regarding a gambling device as defined herein.
- (3) Any false or misleading information is supplied in the application or any information requested is omitted either in the original application or at other proceedings.
- (4) Any owner of the business premises or the business premises itself has a license revoked or suspended by the Oregon Liquor Control Commission during the period of the social games license.
- (5) Any owner or manager or social games supervisor of the business premises profits from gambling or promotes gambling, either on the licensed premises and/or in any other activity.
- (6) Any other conduct involving moral turpitude on the part of any of the premises owners, agents, employees, or other representatives.

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

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

#### **4.660**            Regulations.

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

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

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

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

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

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

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

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

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

**4.665**            Penalties.

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

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## NUISANCE AND OFFENSE CODE

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- 5.565 Vending Goods on Streets or Sidewalks
- 5.570 Begging
- 5.575 Lodging
- 5.580 Posted Notices
- 5.585 Hauling
- 5.590 Curfew

Parks

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

**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) *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 maximum fines may be amended from time to time by ordinance adopted by the Gold Beach City Council.

### **5.075 Impoundment.**

Any dog impounded under the authority of this Code will be retained for the amount of time provided in Oregon Revised Statutes 609.090, and after that period of time will be disposed of as provided by Oregon Revised Statutes 609.090.

**5.080** Release of Impounded Dogs.

Any dog impounded under the authority of this Code shall be released to its owner upon payment of any pick-up and boarding fees charged by the Curry County animal shelter and any and all fines imposed by the municipal court. If any dog is impounded for lack of a license, then a license must be obtained in addition to any other fees and/or fines.

**DISCARDED VEHICLES**

**5.100** Definitions.

As used in this Code, unless the context requires otherwise:

- (1) “Costs” shall mean the expense of removing, storing or selling a discarded vehicle.
- (2) “Chief of Police” includes any authorized law enforcement officer of the City of Gold Beach.
- (3) “Discarded” shall mean any vehicle that does not have lawfully affixed thereto an unexpired license plate and is in one or more of the following conditions:
  - (a) Inoperative.
  - (b) Wrecked.
  - (c) Dismantled.
  - (d) Partially dismantled.
  - (e) Abandoned.
  - (f) Junked.
  - (g) Discarded vehicles may be deemed to include major parts thereof including but not limited to bodies, engines, transmissions and rear ends.
- (4) For the purposes of this chapter only, a vehicle rendered temporarily inoperative but otherwise legally parked outdoors on public right-of-way adjacent to the

vehicle owner's residence or on private property shall not be considered a discarded vehicle if the vehicle is secure, not creating a hazard, and repairs to the vehicle are made within thirty (30) days.

- (5) "Vehicle owner" shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership of any interest, legal or equitable, in a vehicle.
- (6) "Person in charge of property" shall mean any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where a vehicle is located.
- (7) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and includes vehicles that are propelled by any means as defined in ORS 801.590.

**5.105 Declaration of Public Nuisance.**

The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance, which may be abated in accordance with the provisions of this Code.

**5.110 Prohibited Action.**

It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the City unless the vehicle is completely enclosed within a building, stored behind a site obscuring fence, hedge or wall, or stored by a lawfully conducted business dealing in disabled vehicles or vehicle repairs .

**5.115 Police Duty.**

- (1) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to:
  - (a) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this Code; and
  - (b) If the owner of the vehicle is not found, to place a notice upon the windshield or some other part of the vehicle where it can be easily seen.

- (2) The notice shall state that a certain discarded vehicle is in violation of this Code and that within fourteen (14) days of the date of mailing, delivery or posting of the notice:
  - (a) The vehicle must be removed from the City or to the storage yard of a business enterprise dealing in discarded vehicles or vehicle repair lawfully conducted within the City; or
  - (b) Completely enclosed within a building, stored behind a site obscuring fence, hedge or wall.
- (3) The notice shall also state that the alternative to compliance with Subsection (2) of this section is to petition the City Administrator and request appearance in writing before the City Council within fourteen (14) days of sending or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this Code.
- (4) The notice shall also state that failure to comply with this Code authorizes the City to remove the vehicle and assess the cost of removal against the property.

**5.120 Entry upon Private Property.**

- (1) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the chief shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing his or her entry for the purpose of inspection, except when an emergency exists.
- (2) No search warrant shall be issued under the terms of this Code until an affidavit has been filed with the municipal court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this Code as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.
- (3) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting any vehicle when an emergency exists or the chief exhibits a warrant authorizing entry.

**5.125 Hearing by City Council.**

Pursuant to a request pursuant to Section 5.115(3), the City Council shall fix a time for a hearing to show cause why a discarded vehicle nuisance should not be immediately abated. The Council shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location and condition of the vehicle.

After the hearing, the Council may authorize and order the vehicle removed by the City in accordance with the provisions of this Code. The Council shall make its order in the form of a resolution that declares the vehicle to be a public nuisance. The resolution may order the removal of more than one vehicle and the Council may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in Section 5.115 shall be provided with copies of the resolution of the Council. In addition, the Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this Code. The Council may delay the time for removal of said vehicle where, in its opinion, delay is justified by the circumstances. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the Council, is not subject to the provisions Sections 5.100 through 5.155 of this Code. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

**5.130 Abatement by the City and Appraisal.**

- (1) Fourteen (14) days after the giving of notice required in Section 5.115 or seven (7) days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in Section 5.125, whichever is later, the City may abate the nuisance and may remove the vehicle by use of City employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such employees or contractors to enter upon private property for the purpose of removing a vehicle under the provisions of this Code.
- (2) After removing the vehicle, the City shall cause it to be appraised by any person who holds a certificate issued under Oregon Revised Statutes 819.480.

**5.140 Disposal of Vehicle.**

The City shall dispose of the vehicle in accordance with Oregon Revised Statutes 819.210 and 819.215, as constituted when this Code is adopted.

**5.150 Redemption Before Sale.**

- (1) A vehicle impounded under the provisions of this Code may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place by applying to the police department, whereupon the individual shall:
  - (a) Submit evidence of his or her ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful;
  - (b) Pay the costs due and owing at the time the application to redeem is made; and
  - (c) Give evidence that the nuisance character of the vehicle will not be

allowed to be resumed.

- (2) Upon compliance with Subsection (1) of this section, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

**5.155** Assessment of Costs.

- (1) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, incurred by the City in removal, storage and sale of the vehicle, the City Administrator shall give notice of assessment of abatement costs, as provided in Section 5.115, to the person in charge of the property from which the vehicle was removed. The notice of assessment of abatement costs will specify:
  - (a) The unpaid costs of abatement:
  - (b) That the cost as indicated will be assessed to and become a lien against the real property unless paid within thirty (30) days from the date of the notice of assessment of abatement costs.
  - (c) That if the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Administrator not later than twenty (20) days from the date of the notice of assessment of abatement costs.
- (2) Objections to the proposed assessment shall be heard and determined by the Council not later than twenty (20) days from the date the City Administrator receives written notice of objection from the person in charge of the property.
- (3) If the costs of the abatement are not paid within thirty (30) days from the date of the notice of assessment of abatement costs, or the date of decision by the Council on the objection to the proposed assessment if such objection is filed by the person in charge of the property, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the real property from which the nuisance was removed or abated.
- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine (9) percent per annum. Such interest shall accrue from date of the entry of the lien in the lien docket.
- (5) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

## NUISANCE CODE

### 5.200 Title and Definitions.

This section shall be known as the Nuisance Code of the City of Gold Beach and the following definitions shall apply herein:

- (1) "City" means the City of Gold Beach, Oregon.
- (2) "City Administrator" means the City Administrator of the City of Gold Beach or the Administrator's designee.
- (3) "Person" means a natural person, firm, partnership, association or corporation.
- (4) "Persons in Charge" means any agent, occupant, renter, lessee, owner or person other than the owner, having the possession or control of property or any person being caused to come into existence or continuing existence of a nuisance as defined in this Code.
- (5) "Noxious Growths" means the following:
  - (a) Any vegetation, including grass and/or weeds, which:
    - (i) Poses a fire hazard because it is dry and more than twelve (12) inches high and is either within 100 feet of a structure or an opened public right-of way; or within thirty (30) feet of other types of combustibles; or is otherwise a fire hazard as determined by the City Fire Chief;
    - (ii) Encroaches onto an opened public right-of-way or across a property line;
    - (iii) Poses a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous, impairs the view of street signs, or in the opinion of the City Chief of Police is a traffic hazard based on sound principles of traffic management;
    - (iv) Creates an unsafe area to which children may be attracted;
    - (v) Is used for habitation by trespassers;
    - (vi) Harbors rodents or other animals that pose a health threat to humans or is otherwise a health hazard as determined by the Curry County Department of Health; or

- (vii) Are listed as noxious or invasive by federal, state or county authorities.
- (b) The term “noxious growths” does not include:
  - (i) Vegetation that constitutes an agricultural crop;
  - (ii) Vegetation the removal of which may be inadvisable because it exposes the land to erosion;
  - (iii) Vegetation (not including Irish Furze (also known as gorse), Scotch Broom, or blackberry vines) that is maintained as an ornamental hedge, privacy screen or windbreak no wider than five (5) feet; unless the ornamental hedge, privacy screen or windbreak constitutes a fire hazard under subsection 5(a)(i) of the Section; or
  - (iv) Vegetation that is maintained as a safety barrier at the top edge of a steep slope or other hazardous location.

**5.205 Prohibited Animal Nuisance.**

- (1) Dangerous Animals. No person in charge of an animal that is dangerous to the public health or safety shall permit the animal to be exposed to the public. If the animal is exposed to the public, it may be taken into custody by the City and disposed of in accordance with the procedures provided by the Code for the impoundment of dogs, Code sections 5.050 to 5.080, except that before the animal is released by the City, the municipal judge must find that proper precautions will be taken to ensure the public health and safety;
- (2) Removal of Carcasses. No person shall permit an animal carcass under his or her ownership or control to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass;
- (3) Animals at Large. Except for household pets, no person in charge of an animal shall permit the animal to be at large. Animals at large may be taken into custody by the City and disposed of in accordance with the procedures provided by the Code for the impoundment of dogs, Code sections 5.050 to 5.080.

**5.210 Nuisances Affecting Public Health.**

No person shall cause or permit a nuisance affecting public health on property under his or her ownership or control. The following are nuisances affecting public health and may be abated as provided in this Code.

- (1) Privies. Open vaults or privies constructed and maintained within the City,

except those constructed or maintained in connection with construction projects in accordance with the Health Division regulations.

- (2) Debris. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that could affect the health of the public.
- (3) Stagnant water. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- (4) Water pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.
- (5) Food. Decayed or unwholesome food that is offered for human consumption.
- (6) Odor. Premises that are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- (7) Surface drainage. Drainage of liquid wastes from private premises.
- (8) Cesspools. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

**5.220** Nuisances Affecting Public Safety.

- (1) No person shall create a hazard by:
  - (a) Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or
  - (b) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four (4) feet or more and a top width of twelve (12) inches or more, fail or refuse to cover or fence it with a suitable protective construction.

**5.225** Attractive Nuisances.

- (1) No owner or person in charge of property shall permit thereon:
  - (a) Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.
  - (b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.

- (c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.
- (2) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

**5.230 Snow and Ice.**

No person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

- (1) Snow to remain on the sidewalk for a period longer than the first two (2) hours of daylight after the snow has fallen.
- (2) Ice to remain on the sidewalk for more than two (2) hours of daylight after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel.

**5.235 Noxious Growths Prohibited.**

- (1) No person in charge of real property shall allow noxious growths on the property. Noxious growths are hereby declared a nuisance.
- (2) It shall be the duty of any owner or person in charge of real property to abate noxious growths from said property. The person in charge shall be liable for the cost of the abatement as provided in this Code.
- (3) No person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of the person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a safety, health or fire hazard, or, in the case of weeds or other noxious vegetation from maturing or from going to seed.
- (4) Between February 1 and November 30 of each year, the City Administrator may cause to be published three (3) times in a newspaper of general circulation in the City a copy of Subsection (3) of this section as a notice to all owners of property of their duty to keep their property free from noxious vegetation. The notice shall state the City intends to abate all such reported nuisances ten (10) or more days after notifying the person in charge of the property and to charge the cost of doing so on any particular parcel of property to the person in charge of the property.
- (5) If the noxious growths have not been privately abated in accord with the

published notice, the City may provide written notice to abate the nuisance in the manner provided by Section 5.285 of this Code. If the nuisance remains unabated ten (10) days after such notice is given, the City Administrator may cause the nuisance to be abated and assess costs therefore as provided in Section 5.305 of this Code. The City Administrator may enter upon the property at reasonable times for the purpose of investigating and abating conditions prohibited by this Code.

- (6) The procedure provided by this Code is not exclusive and is in addition to any other procedure authorized by the Gold Beach Code or ordinance and the City Administrator may abate noxious growths that are an imminent danger to human life or property within the City. The cost of abatement shall be assessed and collected as provided by this Code.
- (7) Each day's violation of a provision of this Section 5.235 shall constitute a separate offense. The abatement of a nuisance herein provided shall not constitute a penalty for a violation of this Code, but shall be in addition to any penalty imposed for a violation of this Code.

#### **5.240 Scattering Rubbish.**

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance of the property, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling upon a public way.

#### **5.245 Trees.**

- (1) No person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of the person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises that encroach into the street or public sidewalk, including the adjoining parking strip, trimmed to a height of not less than eight (8) feet above the sidewalk and not less than ten (10) feet above the roadway.
- (2) No person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to the persons or property on or near the property.

#### **5.250 Fences.**

- (1) No person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.
- (2) No person in charge of property shall construct, maintain or operate an electric

fence along a sidewalk or public way or along the adjoining property line of another person.

**5.255** Surface Waters, Drainage.

- (1) No person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.
- (2) The person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.

**5.260** Radio, Television, and Wireless Communication Interference.

- (1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio, television or wireless communication reception by a radio or television receiver or wireless communication device of good engineering design.
- (2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

**5.265** Junk.

- (1) No person shall keep any junk outdoors on any street, lot, premises, or in a building that is not wholly or entirely enclosed, or that blocks doors used for ingress or egress.
- (2) The term "junk" as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned auto-mobiles, old machinery, old machinery parts, old appliances or parts thereof, old and other metal, glass, paper, lumber, wood or other waste or discarded material.

This section shall not apply to junk kept in a commercial junkyard or automobile wrecking house.

**5.270** Soliciting.

No person shall solicit, cause any other person to solicit, or perform any act furthering solicitation of, any person located on private property or premises not open to the public, between the hours of 8:00 p.m. and 8:00 a.m. each day. Solicitation is defined as any act that constitutes a request, appeal or application to obtain something.

**5.275 Container Burning and Open Burning.**

- (1) Permit Required. Except as set forth in subsection (6), a permit is required to kindle or maintain any open fire, bonfire or rubbish fire and for container burning. There shall be three (3) types of permits:
  - (a) An open burning permit, limited to a maximum of seven (7) days per permit.
  - (b) A container burning permit, limited to one (1) year from the date of issue. Each container and each location must have a separate permit.
  - (c) A commercial fire permit limited to seven (7) days for building demolition or land clearing.
  - (d) The Fire Chief or designee shall issue the required permit if deemed necessary after an inspection and assurances from the applicant that all burning will take place in compliance with the terms of this Code. A commercial permit shall be reviewed within seven (7) days of application.
- (2) Except as set forth in subsection (7), no person shall kindle or maintain an open fire, bonfire or rubbish fire or burn any material in a container without a permit to do so. No person shall kindle or maintain a bonfire or rubbish fire or burn any material in a container except in strict compliance with the terms of this Code.
- (3) No person shall dispose of waste matter by burning except as follows:
  - (a) All burning shall take place during the hours of 8:00 a.m. to 8:00 p.m. unless otherwise specified by the Fire Chief.
  - (b) Burning shall be confined to incinerators or approved burning containers except as follows:
    - (i) If any open burning permit to engage in such burning is obtained from the Fire Chief or designee;
    - (ii) Such burning is done at a distance of more than twenty-five feet (25') from any building, structure or other combustible waste matter; and
    - (iii) A charged garden hose with a shut off and adjustable nozzle or other like water supply is on hand and a competent person is on constant attendance until all fire has been extinguished. Applicants for such permit must be in legal control of the lot or parcel of land on which the burning is to be done.

- (4) **Offensive Smoke and Odors.** Nothing shall be burned under permit or otherwise, which shall, in burning, cause or create a dense smoke or noxious odors. Materials which shall not be burned include but are not limited to, the following: wet or organic kitchen garbage and wastes, any petroleum based products or plastics, treated wood products, metals, and commercial construction and/or demolition debris. Barrel burning of small amounts of clean construction/demolition debris from non-commercial, home projects will be permitted in accordance with a permit as provided in this Section 5.275.
- (5) **Fire Hazard Prohibited.** No person shall construct, erect, install, maintain or use any burning container or barbecue pit or open or pile burn any combustible material so as to constitute or occasion a fire hazard or as to endanger the life or property of any person thereby. All liability for an escaped fire, including but not limited to personal property damage to property of the permittee and any other person, and all fire suppression costs resulting from the fire, are the sole responsibility of the permittee, or, in the instance of a fire for which no permit was acquired, the person who ignited the fire.
- (6) A permit is not required for the following open fires:
  - (a) Outdoor recreation fire used for cooking when the fire is confined in a commercially manufactured fireplace or barbecue.
  - (b) Fires set and maintained for firefighting training or for otherwise training fire protection personnel.
- (7) **Fire Chief May Prohibit.** The Fire Chief may prohibit any outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (8) **Kindling of Fire on Land of Others Restricted.** No person shall kindle a fire upon the land of another without permission of the owner thereof or his or her agent and any permit required by this Section 5.275.
- (9) **Types and Construction of Burning Containers.** No person shall use a burning container unless it meets the following standards:
  - (a) Commercial, industrial and apartment type incinerators shall be constructed in accordance with the provisions of the Building and Mechanical Codes.
  - (b) Residential burning containers (such as burn barrels) shall be constructed of brick, concrete, hollow tile, metal (steel), or other fire resistive material, shall have no openings greater than one-quarter inch (1/4") wide that are not covered by a spark arrester as described in subsection 9 (c) of this section, shall be equipped with a spark arrester and shall be set

on a fire resistive pad, bare mineral surface, or be approved by the Fire Chief.

- (c) Every burning container shall be equipped and maintained with a spark arrester constructed of iron, heavy wire mesh of at least 14 gauge wire or other non-combustible material, with openings not larger than one-quarter inch by one-quarter inch (1/4" x 1/4").
  - (d) Every burning container shall be constructed and maintained in accordance with the requirements of the State of Oregon Department of Environmental Quality.
- (11) Location. All burning containers shall be located as follows:
- (a) A residential burning container shall not be located less than twenty (20) feet away from:
    - i. Any building or structure;
    - ii. Rubbish;
    - iii. Dry grass or weeds;
    - iv. Vegetation; and
    - v. Other combustible materialsThe twenty (20) foot minimum requirement shall apply both horizontally and vertically. In addition, a residential burning container shall not be located less than ten (10) feet from any property line.
  - (b) The restrictions in this subsection 11 shall not apply to commercially manufactured barbecues and outdoor fireplaces which meet the requirements of subsections 9 (b) and 9 (c) of this section.
- (12) Maintenance. Every burning container, barbecue pit and the equipment therefore shall be maintained in good condition and repair at all times.

#### **5.280 Unenumerated Nuisances.**

- (1) The acts, conditions or objects specifically enumerated as defined in Sections 5.205 to 5.275 are declared public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in Sections 5.285 to 5.310 of this Code.
- (2) In addition to the nuisances specifically enumerated within this Code, every other thing, substance or act that is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City is declared a nuisance and may be abated as provided in this Code.

**5.285** Notice of Abatement.

- (1) Upon determination by the City Administrator that a nuisance exists, the City Administrator shall send a Notice to Abate to the person in charge of the property on which the nuisance exists by registered or certified mail to the last known address of the person in charge and shall also conspicuously post a notice on the property.
- (2) The Notice to Abate shall contain:
  - (a) A description of the real property, by street address or otherwise, on which the nuisance exists.
  - (b) A direction to abate the nuisance within ten (10) days from the date of the notice.
  - (c) A description of the nuisance.
  - (d) A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person in charge of the property .
  - (e) A statement that failure to abate a nuisance may warrant imposition of a civil penalty.
  - (f) A statement that the person in charge of the property may protest the order to abate by giving notice to the City Administrator within ten (10) days from the date of the notice.
- (3) An error in the name or address of the person in charge of the property shall not make the notice void.
- (4) Any mailings to the person in charge of the property shall deem to have been received by such person upon mailing by the City to the address found in the records of the Curry County Assessor.

**5.290** Abatement by the Person in Charge.

- (1) Within ten (10) days after mailing of such notice, as provided in Section 5.285, the person in charge of the property shall remove the nuisance or protest that no nuisance exists.
- (2) A person in charge of the property protesting that no nuisance exists, shall file with the City Administrator a written statement which shall specify the basis for so protesting.

- (3) The statement shall be referred to the Gold Beach Municipal Court for a hearing at its next succeeding sitting. At the time set for the hearing, the person in charge of the property may appear and be heard by the Court; and the Court shall determine whether or not a nuisance in fact exists. A determination by the Court shall be required only in those cases where a written statement has been filed and the person in charge of the property or representative appears at the hearing.
- (4) If the Court determines that a nuisance does in fact exist, the person in charge of the property shall, within ten (10) days after the Court determination, abate the nuisance.

**5.295 Joint Responsibility.**

If more than one person is responsible for the nuisance, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

**5.300 Abatement by the City.**

- (1) If, within the time allowed, the nuisance has not been abated by the person in charge of the property, the City Administrator may cause the nuisance to be abated.
- (2) The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The City Business Office shall keep an accurate record of the expense incurred by the City in physically abating the nuisance and shall include therein a charge in an amount to be set by resolution of the City Council or fifteen (15) percent of those expenses (whichever is the greater) for administrative overhead.

**5.305 Assessment of Costs.**

- (1) The City Business Office by certified or registered mail, shall forward to the person in charge of the property a notice stating:
  - (a) The total cost of abatement, including the administrative overhead.
  - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice.
  - (c) That if the person in charge of the property objects to the accuracy or reasonableness of the cost of the abatement as indicated, he or she may file a notice of objection with the City Business Office within ten (10)

days of the date of the notice setting forth the bases for objecting.

- (2) If a notice of objection is filed within ten (10) days after the date of the notice, the Gold Beach Municipal Court shall schedule a hearing to hear and determine the objections to the costs assessed.
- (3) If the costs of the abatement are not paid within thirty (30) days from the date of the notice or from the date of the decision of the Municipal Court, if an objection is filed pursuant to subsection (2) of this Section 5.305, an assessment of the costs, as stated in the notice from the City Business Office, or as determined by the Municipal Court shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated. If the person responsible is not the owner of that property, then the City also may impose a lien upon property owned by the person responsible.
- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine (9) percent per annum. The interest shall commence to run from the date of the entry of the lien in the lien docket.
- (5) The City shall be entitled to reasonable attorney fees for any litigation regarding collection of the costs of abatement or filing of the lien as described above with Curry County and any foreclosing of such lien through any appropriate legal action as set by any trial or appellate court.
- (6) An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

#### **5.310 Summary Abatement.**

The procedure provided by this Nuisance Code is not exclusive, but is in addition to procedure provided by other laws; and the Fire Chief, the Chief of Police, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property. The costs of such abatement may be assessed as provided in Section 5.305 of this Code.

#### **5.315 Penalties.**

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

unitary assessment as provided by ORS 137.290.

- (3) The penalties provided in this section may be amended from time to time by ordinance .

**5.320 Separate Violations.**

- (1) Each day's violation of a provision of this Code, or each act separate unto itself, constitutes a separate offense.
- (2) The abatement of a nuisance is not a penalty for violating this Code, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of Municipal Court determination that a nuisance exists, will relieve the person responsible for the imposition of any fine under Section 5.315 of this Code except a fine from violation of Section 5.275.

## **DANGEROUS BUILDINGS**

**5.350 Definitions.**

For the purpose of this Code:

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

of probability of partial or entire collapse.

- (2) The term “person” shall include every natural person, firm, partnership, association or corporation.
- (3) “City official” means any Councilor, mayor, city employee, or any agency or employee of any agency under contract to the City for services.

**5.355** General Regulations.

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

**5.360** Nuisance.

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

**5.365** Initial Action.

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

**5.370** Hearing; Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing . A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as

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

**5.375 Published and Posted Notices.**

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

**5.380 Council Orders; Notice.**

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

**5.385 Abatement by City.**

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

**5.390 Assessment.**

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

**5.395 Summary Abatement.**

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently

endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

**5.398 Penalty.**

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, be fined an amount not to exceed \$500.00 for the first and all subsequent offenses, or such other maximum fine as the City Council may set from time to time by ordinance. Each day's violation of a provision of this Code constitutes a separate offense. The court may also impose a unitary assessment as provided by ORS 137.290.

**OFFENSE CODE**

**5.400 Definitions.**

The definitions contained in Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code.

**5.405 Prosecution Procedures – State Statutes Adopted.**

The procedures applicable to the prosecution of violations contained in the Oregon Revised Statutes as constituted when this Code is adopted, are adopted by reference and made a part of this Code, and all references therein to district attorney shall include the city prosecutor or the city attorney. These shall include, but not be limited to, those provisions relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification.

**5.410 Violations — State Statutes Adopted.**

Each violation made an offense against the state under the provisions of the Oregon Revised Statutes chapters 161, 162, 163 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code and designated an offense against the City. A person who violates any one of the provisions within the jurisdiction of the City is in violation of this Code, and shall be charged with the offense of violating section 5.410 of this Code, and reference shall be made in the charging instrument to that particular section of the Oregon Revised Statutes, as incorporated by reference, which has been violated. If any other section of this Code or any other code or ordinance creates a specific violation offense in conflict with a violation offense incorporated by reference in this Code, the provisions of the

violation offense incorporated by reference shall govern.

**5.415** Soliciting or Confederating to Violate Code.

No person shall solicit, aid, abet, employ or engage another, or confederate with another, to violate a provision of this Code or any other code or ordinance of the City.

**5.420** Offenses Outside City Limits.

Where permitted by Oregon law, an act made unlawful by this Code shall constitute an offense when committed on any property owned or leased by the City, even though outside the corporate limits of the City.

**5.425** Attempt to Commit Offenses.

A person who shall attempt to commit any of the offenses mentioned in this Code or any code of the City, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

**5.430** Separate Violations.

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.

Violation of any provision of this Offense Code is punishable by a fine not to exceed \$500.00 for the first and each subsequent violation provided, however, in the case of a violation of any provision of this offense code where the offense is identical to an offense created by state statute, and the state law offense carries a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. In addition to the above penalties, the municipal court may also impose any fees, penalties, or assessments provided for by state law, and may order the offender to pay restitution where appropriate. The municipal court judge, at his or her discretion, shall determine the amount of fine and any fees to be assessed in accordance with the provisions of this code.

**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, 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 or normal sensitivities in the vicinity thereof.

**5.515 Discharge of Weapons.**

No person within the city limits other than a police officer in the line of duty shall discharge a firearm, blowgun, bow and arrow, crossbow, BB gun, explosive device, or any other weapon which propels a projectile by use of gunpowder or other explosive or jet or rocket propulsion. The City Council may approve certain areas as firing ranges, and these areas shall be exempt from this section. Also exempt from the application of this section are (1) a person discharging a firearm in the lawful defense of person or property and (2) a person discharging a firearm in order to butcher domestic livestock for personal consumption if the discharge will not endanger persons or property.

**5.520 Violating Privacy Of Another.**

Except as otherwise allowed by this Code, no person other than a police officer

performing a lawful duty shall enter upon land or into a building used in whole or in part as a dwelling without permission of the owner or person entitled to possession thereof and while so trespassing look through or attempt to look through a window, door or transom of the dwelling or that part of the building used as a dwelling with the intent to violate the privacy of any other person.

**5.525 Release of Child Confined in Vehicle.**

It shall be lawful and the duty of any police officer or peace officer of the City, state, or county finding a child confined, locked, or left unattended in violation of the terms of Oregon Revised Statutes 163.545, to enter the vehicle and remove the child. The officer, may, if necessary, break the doors, windows, or locks of the vehicle.

**5.530 Place of Amusement.**

- (1) No person shall employ a person under eighteen (18) years of age in or about a cardroom, poolroom, billiard parlor or dance hall, unless the establishment is a “recreational facility” as defined in subsection (4) of this section.
- (2) No person under eighteen (18) years of age shall enter, visit or loiter in or about a public cardroom, poolroom or billiard parlor.
- (3) No person operating or assisting in the operation of a public cardroom, poolroom, billiard parlor or public place of amusement shall permit a person under eighteen (18) years of age to engage therein in any game of cards, pool, billiards, dice, darts, pinball, games of like character, or games of chance, either for amusement or otherwise.
- (4) This section shall not apply to the playing of billiards or pool in a recreational facility. As used in this section, a “recreational facility” means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only, and:
  - (a) Which is clean, adequately supervised, adequately lighted and ventilated;
  - (b) In which no alcoholic liquor is sold or consumed; and
  - (c) Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

**5.535 Poisoning of Animals.**

No person shall put out or place any poison where it is reasonably possible the same may be ingested by any horse, cattle, sheep, hog, dog or other domestic animal.

**5.540** Police and Fire Communications.

No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any police or fire department radio communication system.

**5.550** Obstruction of Building Entrances.

No person shall obstruct any entrance to any building or any stairway or hall leading to any building.

**5.555** Open Cellar Doors or Grates.

No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when such entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

**5.560** Obstruction of Fire Hydrants.

No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within eight (8) feet of such fire hydrant any bush, shrub or tree or other 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.

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.

**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:

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

- (2) 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.
- (3) 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.
  - (b) Discharge any firearm, pellet gun, bow and arrow, sling shot, or other weapon or instrument capable of injuring any person, bird or animal. Notwithstanding the forgoing, bow and arrow target practice competition may be held without prior written permission of the City Council.
  - (c) Possess any loaded firearm in any park area unless authorized under Oregon state statute (ORS 166.173).
- (4) Flowers, shrubs, foliage, trees, plant life or products of any type, shall not be picked, cut, mutilated, or removed from any park area without express written permission from the City Council or Park Superintendent.
- (5) No person except Park Superintendent or park employees, acting within the scope of their employment, shall mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic marker, or other structure or facility of any kind in or from the park area.
- (6) No person shall, except under special written permission and regulation of the City Council, dig up, deface, or remove any soil, stones, rocks, or other substance, making any excavation, quarry any stone, or lay, or set off any blast, or roll any stones or other objects, or cause or assist in doing any of the said things within any park area.
- (7) No person shall, except in specifically designated area within the park, erect signs, markers, or inscriptions of any type without permission from the City Council or Park Superintendent.
- (8) No person in any park area may, without written permission from the City

Council:

- (a) Operate any type of fixed or mobile concession, or commercial enterprise.
  - (b) On behalf of a commercial enterprise, solicit, sell, or offer for sale, peddle, hawk, or vend, any commercial goods, wares, merchandise, foods, liquids or other services.
- (9) Motor vehicles, including motorcycles and motorbikes, shall be operated only on roads, and in parking areas constructed or designated for motor vehicular use. No motor vehicle, motor-bike or motorcycle, shall be operated on any grass or trail, or in any part of the park area, not constructed or specifically designated for motor vehicle use, or on any road or trail posted as closed to the public, or on any road or trail where signs are placed and erected by authority of the City Council prohibiting the driving of motor vehicles, including motorcycles and motorbikes. Automobiles, trailers, and all other vehicles shall be parked only in designated parking areas.
- (10) No person shall operate a motor vehicle within any park area at a speed in excess of ten (10) miles per hour.
- (11) No person shall operate or use, any noise producing machine, vehicle, device or other instrument in such a manner that it is disturbing to other park area visitors, except park maintenance vehicles.
- (12) No dog, cat, or other animal of any kind shall be brought into or kept in a park area unless confined in a vehicle or on a leash. The Park Superintendent and city park employees are hereby authorized to undertake any reasonable measures, including the removal of the animal from the park area, deemed necessary by said park employees to prevent interference by said animal with the safety, comfort and well being of the park area users or the appearance and sanitary condition of the park area. No animals, other than disability assistance animals as allowed by law shall be allowed in any building.
- (13) No person shall allow an animal to defecate in a public park, unless the owner or custodian of such animal immediately removes and properly disposes of the animal waste.
- (14) No person shall ride, drive, lead, or keep any saddle horse, or other domesticated animal, in the park area, except cats and dogs on a leash or confined in a vehicle.
- (15) No bottles, cans, ashes, waste paper, garbage, sewage, or other rubbish, refuse, shall be left in any park area, except in the receptacles specifically designated for that purpose. It shall be unlawful for any person to deposit any waste paper, garbage, rubbish, or refuse that was produced from activities outside the confines

of any city park, in any waste receptacle located in a city park.

- (16) No person shall set up or use a public address system in any park area without prior written permission of the City Council.
- (17) No person shall wash any clothing or other materials in any park stream or park restroom.
- (18) No overnight camping shall be allowed.
- (19) No person other than law enforcement officers or authorized city personnel, shall enter or remain in any park area during the period between one hour after sunset and one hour after sunrise.
- (20) No minor child under the age of five (5) years old shall be permitted in any park area, unless the child is accompanied by a responsible person of at least twelve (12) years of age.
- (21) Rules and Regulations for Use of Tennis Courts.
  - (a) Time limit for play shall be one (1) hour if other persons are waiting to make use of the facilities.
  - (b) No glass bottles or other glass containers shall be brought or kept inside any tennis court area.
  - (c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside any tennis court area.
  - (d) No dogs, or other animals shall be allowed inside a tennis court area.
  - (e) Tennis courts within any city park are for the use of the public and no private or public lessons shall be given where a consideration is charged for the same without prior written permission of the City Council.
  - (f) Any person wishing to schedule any type of organized tennis tournament, or other organized activity using the tennis courts, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. The Park Superintendent shall be authorized to schedule and regulate all organized activities involving the tennis court area.
- (22) Rules and Regulations for Use of Kid Castle.
  - (a) Time limit for play shall be one (1) hour if other persons are waiting to

make use of the facilities.

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

**5.705** Application for Written Permission.

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

**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).

- (2) In addition to the above penalties, the court may also impose any fees, penalties, or assessments provided for by state law, and may order the offender to pay restitution where appropriate.
- (3) The maximum fines may be amended from time to time by ordinance adopted by the Gold Beach City Council. *Remove*

**5.720 Separate Violations.**

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

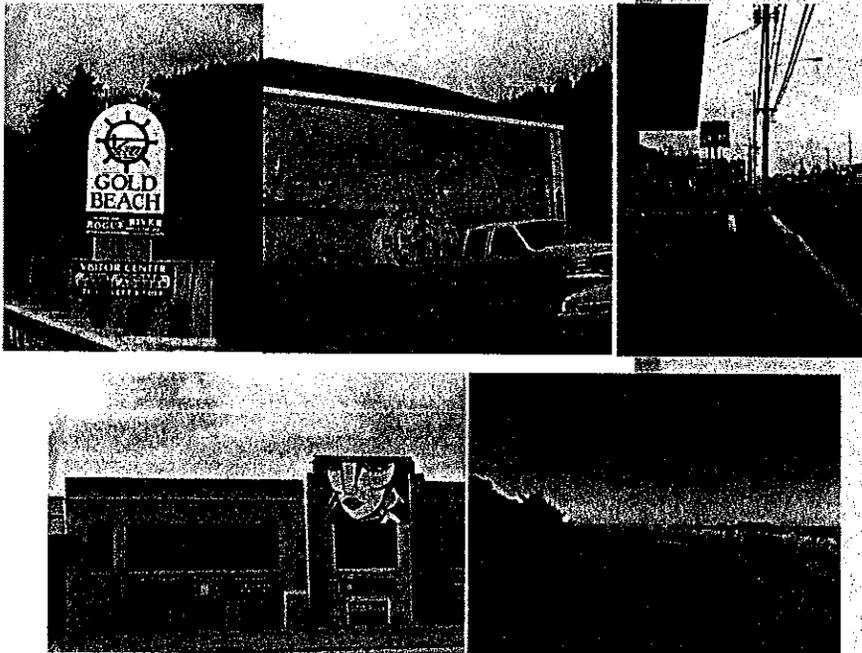
Section 2. The following ordinances and all ordinances in conflict herewith are hereby repealed:

1. Ordinance 560.

The following ordinances were previously repealed and incorporated into this Code:

1. Ordinance No. 156
2. Ordinance No. 161
3. Ordinance No. 271
4. Ordinance No. 331
5. Ordinance No. 332
6. Ordinance No. 335
7. Ordinance No. 338
8. Ordinance No. 351
9. Ordinance No. 355
10. Ordinance No. 367
11. Ordinance No. 378
12. Ordinance No. 391
13. Ordinance No. 409
14. Ordinance No. 412
15. Ordinance No. 417
16. Ordinance No. 419
17. Ordinance No. 434
18. Ordinance No. 473
19. Ordinance No. 485
20. Ordinance No. 531
21. Ordinance No. 551
22. Ordinance No. 554

# Gold Beach Urban Renewal Feasibility Study



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May, 2012



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## Executive Summary

The Gold Beach Urban Renewal Agency is considering the possibility of using urban renewal as an implementation tool for projects in Gold Beach. A financial analysis of the feasibility of using urban renewal in Gold Beach was conducted by Elaine Howard Consulting, LLC and ECONorthwest, and was performed for two different scenarios, a conservative, or low, growth scenario and a moderate growth scenario that assumes historical growth in the area.

The following facts were established in the urban renewal feasibility study:

1. The area will meet the statutory definition of blight due to the low improvement to land ratios and conditions of buildings in the urban renewal feasibility study area.
2. In the low-growth scenario, the area is estimated to achieve \$5 million in maximum indebtedness<sup>1</sup> in a 25-year period. These estimates are based on long-term borrowing and paying interest on those funds. The actual tax increment revenue exceeds those estimates, but that excess is projected to be used for interest payments and bond issuance costs.
3. In the moderate-growth scenario, the area is estimated to achieve \$7.5 million in maximum indebtedness in a 25-year period. Like for the low-growth scenario, these estimates are based on long-term borrowing and paying interest on those funds. The actual tax increment revenue exceeds those estimates, but that excess is anticipated for interest payments and bond issuance costs.

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<sup>1</sup> Maximum indebtedness is the amount of the principal of indebtedness (not interest incurred in debt) included in an urban renewal plan to fund projects, programs, and administration of the plan. It is the limiting factor in an urban renewal plan.

## Background

The City of Gold Beach Urban Renewal Agency (Agency) is exploring the potential of using urban renewal and the associated financing tool, tax increment financing, to assist in the development and redevelopment of the downtown core and the proposed shoreline boardwalk area of Gold Beach (Figure 1). These areas are vital to improving the character and economy of the area.

The City of Gold Beach adopted a Strategic Plan, "Gold Beach 2010" in 1995, with partial revisions in 1998 and 2000. Action agenda items were based off of the need to develop a more vibrant Gold Beach. Those items include:

Business Development Goal: Expansion of a favorable business/industrial climate in Gold Beach that will generate an increased tax base to maintain favorable property tax rates, while supporting need services.

Strategy 3: Review current status/position on nature-based tourism projects, based on findings, to generate a continuing support program. Investigate the current recreation opportunities in the local area for expansion and job opportunities.

Quality of Life Committee Goal: To improve the quality of life in the Gold Beach community through: cultural and recreational amenities, enhanced scenic beauty, and attention to meeting the needs of all segments of the community.

Strategy 1: Enhance the beauty of the business district through landscape development and improved building facades. Place approved mural in selected locations to make the downtown area more attractive to visitors and residents.

Strategy 2: Utilize a "Beach Walk" concept to enhance recreation and accessibility from the Rogue River to the South Beach Park.

Urban renewal is a program that is authorized under state law and implemented locally that allows for the concentrated use of property tax revenues to upgrade certain designated areas of a city or county. These areas are called "blighted"<sup>2</sup> by state statute and typically contain sections of a city that are underdeveloped and not contributing fully to the local economy. They can have buildings that are in need of renovation,

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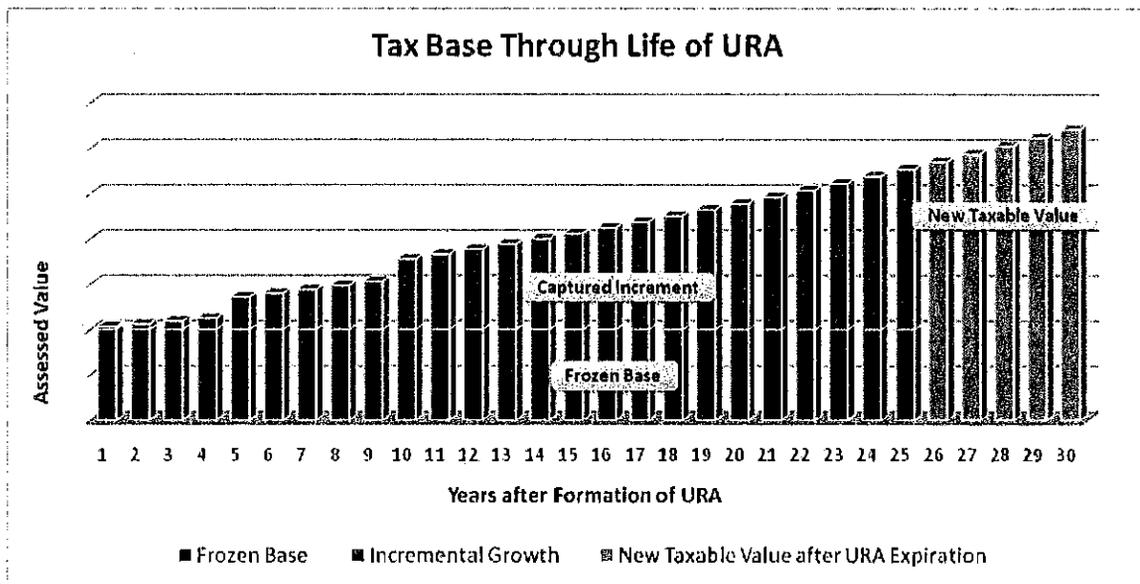
<sup>2</sup> ORS 457.010(1) defines blight, and is shown in Appendix A.

property that should be developed or redeveloped, or utilities and street systems in poor repair or in need of upgrades.

The underpinning theory of urban renewal is that, if these properties and the surrounding infrastructure are upgraded and blight is removed, the entire area will contribute more substantially to both the local economy and property taxes, which, in turn, will help support all of the taxing jurisdictions.

Urban renewal is one of the few remaining tools for encouraging local economic development. It is unique in that it has its own funding source, tax increment financing. At the time an urban renewal plan is adopted, the county assessor calculates the total assessed value of the area and establishes this value as the “frozen base” for the area. Growth above the base is called the “increment.” Tax increment revenues are the property tax revenues generated off the increase in the assessed values above the frozen base (not including rates for general obligation bonds and local option levies approved by voters after October, 2001). This concept is shown in Chart 1.

**Chart 1 – The Components of Tax Increment Financing over 30 Years**



The financial impact of urban renewal is borne by the overlapping taxing jurisdictions, including the City of Gold Beach. The taxing jurisdictions gain revenues through the collection of property taxes. Property tax increases come through new development and the statutory limit of a yearly maximum increase of 3% in assessed values on existing real property. During the use of tax increment financing, the permanent rate property taxes on the **growth** in assessed value in the urban renewal area (URA) are allocated to the urban renewal agency and not the taxing district. The taxing jurisdictions are still able to collect the property tax revenues from the assessed value of the frozen base, but increases in revenues are allocated to the urban renewal agency for use within the urban renewal area. In many urban renewal areas, the growth from the new investment would not have occurred but for the use of urban renewal.

The limiting factor of urban renewal plans is the maximum indebtedness. Maximum indebtedness is the total amount of funds that can be spent on projects and programs, including administration, in an urban renewal plan. Maximum indebtedness does not include interest paid on debt. Maximum indebtedness can only be changed by a substantial amendment to an urban renewal plan. A substantial amendment requires the same procedures as adopting a new urban renewal plan, and is, therefore, meant to take considerable effort to enact.

Most individual taxpayers will **not** see an increase in property taxes as a result of urban renewal. If there is an increase, it is due to bonds that were adopted prior to October of 2001 and are still outstanding. There do not appear to be any pre-2001 bonds in Gold Beach.

Once an urban renewal plan is adopted in an urban renewal area, taxpayers within that area will see a line item on their property tax statements for urban renewal. This can be quite confusing, because even if the property is not physically located in the area, the property tax statement will include an indication of the impact of urban renewal on the property tax bill of every property owner in the city. The overall tax bill does not increase, but the allocation of revenues received from your payment is changed as a portion of that payment now goes to urban renewal. This is called "division of taxes" and is the administrative way that assessors must calculate the urban renewal revenue. If urban renewal was to be terminated, the property tax bill would not be reduced, but the taxes would be allocated differently, and all taxing jurisdictions would see an increase in their share of the property taxes.

This study is a technical study with the purpose of both identifying the potential revenue that could be raised through urban renewal and the impacts of that decision on the taxing jurisdictions. Since it is technical in nature, public input has been limited. If

the Gold Beach Urban Renewal Agency and Gold Beach City Council decide not to proceed with urban renewal planning, expectations have not been raised city-wide. If they decide they would like to pursue the use of urban renewal as an implementation tool in Gold Beach, opportunity should be provided for significant input from the stakeholders in the impacted areas and the citizens of Gold Beach.

This Gold Beach Urban Renewal Feasibility Study (Study) contains:

- A recommended boundary
- An “Existing Conditions Analysis”
- A “Financial Analysis”
- Identification of issues to consider
- Identification of next steps

## **Boundary**

The boundary for the Study is shown in Figure 1. This boundary was developed by city staff and urban renewal agency members after a March 6, 2012 meeting with the consultant, Figure 1. Since this does not have an assessed value, it does not change the calculation of total assessed value in the urban renewal area (Area) compared to city-wide assessed value and the acreage calculations show that significant acreage could be added to the Area to still remain in compliance with state statutes (Table 9).

While this is the boundary being used for this Study, if an urban renewal plan is recommended, the boundary could be adjusted at that time to either eliminate or add properties. The boundary area will be reviewed both for the conditions of blight identified in the Oregon Revised Statutes (ORS 457.010) that govern urban renewal and for the financial capacity of the Area to produce tax increment revenues.

Figure 1 – Gold Beach Urban Renewal Feasibility Study Area Boundary

Develop UR Boundary Valuation Boundary 4



## Existing Conditions Analysis

### 1. Physical Conditions

#### Land Use

According to the Curry County Assessor's Office, the Area, shown in Figure 1 above, contains 182 tax lots, including the Port of Gold Beach tax lot which includes an additional 23 separate parcels under one tax lot. The entire Area consists of 166.3 total acres, 138.5 acres in tax lots and 27.8 acres of right-of-way.

An analysis of property classification data from the Curry County Assessment and Taxation database was used to determine the vacant lands in the Area. Fifty-two of the parcels, accounting for 19 acres or 13.7 % of the acreage in tax lots, have no improvements. Fifty-one percent of the acreage is in commercial use with additional commercial uses on the Port property, which is designated as one parcel in the data set used for this study and shows multiple uses under zoning designations.

**Table 1 - Developed/Not Developed Parcels in Area**

Land Use	Parcels	Acreage	% of Total Acreage
Vacant	52	19.06	13.76%
Developed	130	119.46	86.24%
Total	182	138.52	100.00%

Source: City of Gold Beach from data provide by Curry County GIS

#### Zoning/ Comprehensive Plan

In the City of Gold Beach, the zoning code implements the Comprehensive Plan. This code establishes districts to control land use throughout the city, and regulates development standards within these established use districts.

As illustrated in Table 2, much (44.65%) of the Area is has multiple zoning designations. This is followed by General Commercial, which is 51.03% of the Area.

**Table 2 - Existing Zoning and Comprehensive Plan Designations of Area**

Zoning	Parcels	Acreage	% of Total Acreage
Multiple Zones	14	61.84	44.65%
Commercial 4C	166	70.69	51.03%
Public Facilities 7PF	2	5.99	4.32%
Total	182	138.52	100.00%

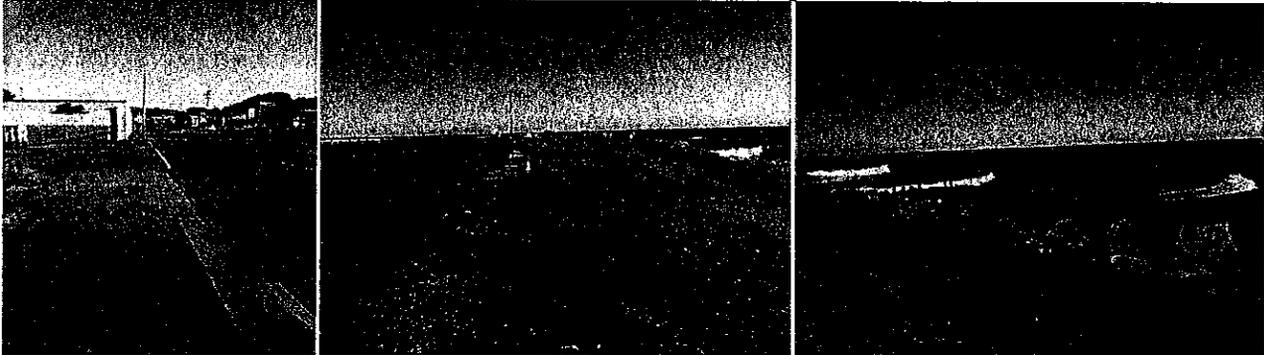
Source: City of Gold Beach from data provide by Curry County GIS

## **Infrastructure**

This section of the report identifies the deficiencies in the existing conditions of the infrastructure in the Area.

### *Streets/Sidewalks/Pathways/Bike Lanes*

There are no deficiencies listed for the Transportation System. However, the sidewalks, and streetscape along Highway 101 could be improved and there is not a walkway along the beach front, as illustrated in the photos below.



### *Water*

The water system in the Area has no known deficiencies.

### *Storm Drainage Master Plan*

The storm drainage system in the Area has no known deficiencies.

### *Sanitary Sewer*

The sanitary sewer system in the Area has no known deficiencies.

### *Parks*

There are two parks in the Area. The Gold Beach Visitor Center and South Beach Park are located on the south end of the Area (the last tax lot on the west side). Buffington Park is located on the east side of the Area, near the northern portion of the Area.

### *Public Parking*

The only public parking in the Area is located at the two parks listed above and at Gold Beach City Hall.

### *Wetlands*

There are designated wetlands that exist in the Area as shown Attachment A.

### *Conditions of Buildings*

There was no visual survey completed for every building in the Area. However, a quick visual survey shows buildings that are in need of façade improvements.

## Social Conditions

Of the 183 parcels in the Area, only 3 are zoned for residential uses, and these account for 1.63% of the acreage, and 1.6% of parcels in the Area. There are 18 manufactured homes on an additional tax lot that is zoned for commercial use. The 2010 census data that was recently released is used, below, to describe the social conditions within the Area. At the time of publication, the age and race data was available at the block level, which is still larger than the urban renewal feasibility study area, but smaller than the City of Gold Beach. The other social conditions data was only available on the city level, and will be accurate for the City of Gold Beach as a whole, but it will be a less accurate portrayal of income levels in the Urban Renewal Feasibility Study Area.

### *Age*

The age distribution of the Area is shown in Table 3. A large portion of the population (over 47%) is between 40 and 70 years old, and about half of the population in the Area is under 50 years old.

**Table 3 - Age Distribution of Area**

Age	Number	Percent
Under 9 years	80	8.17%
10 to 19 years	96	9.81%
20 to 29 years	100	10.21%
30 to 39 years	101	10.32%
40 to 49 years	120	12.26%
50 to 69 years	347	35.44%
70 years and over	135	13.79%
Total	979	100.00%

Source: US Census 2010, block level data

### *Race*

The racial characteristics of the Area are shown in Table 4. The majority of people (89.8%) identify themselves as White and the second largest group (4.0%) that people identify with is Hispanic or Latino.

Gold Beach Urban Renewal Feasibility Study

**Table 4 - Racial Characteristics of the Area**

Race	Population	Percent
Hispanic or Latino	33	4.0%
White	738	89.8%
Black or African American	2	0.2%
American Indian and Alaska Native	15	1.8%
Asian	8	1.0%
Some Other Race	2	0.2%
Two or More Races	24	2.9%
Total	822	100.0%

Source: US Census 2010, block level data

**Income**

Again, the income data for the 2010 census was not available on the census block level, so data for the entire city of Gold Beach was used to create Table 5. The mean household income for the City of Gold Beach in 2010 was \$50,964.

**Table 5 - Household Income for the City of Gold Beach**

Income	Percent of Households
Less than \$10,000	9.5%
\$10,000 to \$14,999	11.6%
\$15,000 to \$24,999	12.8%
\$25,000 to \$34,999	7.6%
\$35,000 to \$49,999	6.8%
\$50,000 to \$74,999	30.8%
\$75,000 to \$99,999	8.5%
\$100,000 to \$149,999	11.2%
\$150,000 to \$199,999	1.2%
\$200,000 or more	0.0%
Total	100.0%

Source: US Census 2010, city level data

## Gold Beach Urban Renewal Feasibility Study

### ***Population***

Information from the Portland State University Population and Research Center provides the data for the following table. In the last 10 years, Gold Beach has shown fluctuations in population; there was a 26% increase between 2005 and 2006 and an approximate 13% decrease from 2007 to 2008.

**Table 6 - Population in Gold Beach**

Year	Population	% Growth
2010	2,140	0.00%
2009	2,140	-0.70%
2008	2,155	-11.86%
2007	2,445	0.00%
2006	2,445	26.68%
2005	1,930	0.00%
2004	1,930	0.00%
2003	1,930	0.00%
2002	1,930	0.52%
2001	1,920	

Source: Portland State University Population Research Center

## Economic Conditions

### *Taxable value of property in Area*

The estimated 2011/2012 total assessed value of the real property in the Area is \$48,008,110. The total estimated assessed value, including all real, personal, and utility properties, is \$53,336,033.

**Table 7 - Total Estimated Assessed Value**

	Study Area
Real Property	\$48,008,110
Utility Property	2,447,470
Personal Property	2,693,873
Manufactured	186,580
Total	\$53,336,033

Source: Curry County GIS

### *Improvement to Land Ratio*

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Ratio," or "I:L." The values used are real market values. In urban renewal areas, the I:L may be used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives. A healthy condition of real estate investment in the Area would be 3:1 or more.

An important fact to note about Table 8 is that there are 47 taxable parcels with no improvements on them. These are vacant parcels that account for about 13.7 acres of underutilized land that are located in downtown Gold Beach. In general, there is a very low I:L ratio in the Area. Over 87% of the Area does not achieve the desired ratio of 3:1 or better. There are also a number of parcels where the use is economically not the highest and best use of the property, including the mobile home park at the south end of the Area (see photo next page).

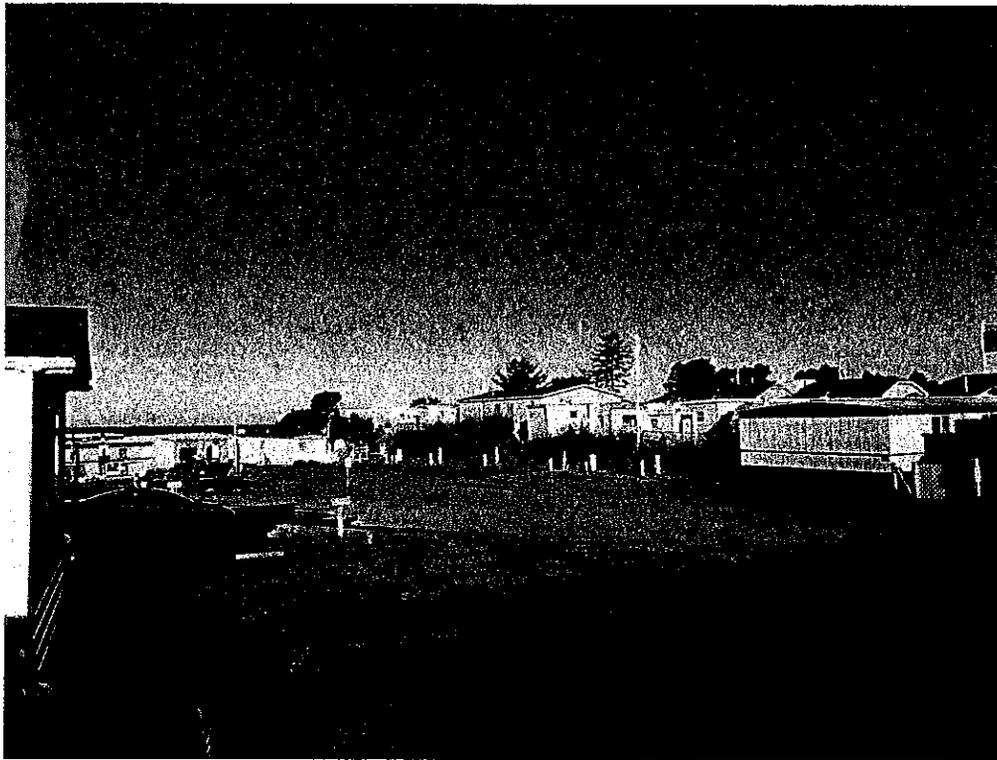
# Gold Beach Urban Renewal Feasibility Study

## Table 8 - I:L Ratio of Parcels in the Area

I:L Ratio	Parcels	Acreage	% of Total Acreage
Not Taxable	5	5.41	3.91%
No Improvements	47	13.65	9.85%
0.01 - 0.50	17	12.98	9.37%
0.51 - 1.00	25	13.96	10.08%
1.01 - 1.50	19	12.71	9.18%
1.51 - 2.00	20	10.78	7.78%
2.01 - 3.00	30	51.33	37.05%
3.01 - 4.00	7	2.24	1.62%
4.01 - 5.00	5	10.21	7.37%
>5.0	7	5.26	3.80%
Total	182	138.52	100.00%

Source: Raw data from City of Gold Beach through Curry County GIS

## Figure 2 – Mobile Home Park in Area



## Compliance with Statutory Limits on Assessed Value and Size of Urban Renewal Area

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base, including all real, personal, and utility properties in the Gold Beach Urban Renewal Study Area is estimated at \$53,336,033. The Curry County Assessor's office will certify the frozen base of the Area if an urban renewal plan is adopted. According to Curry County GIS, the total assessed value of the City of Gold Beach is \$210,416,659. However, the Curry County 2011-12 tax roll summary indicated the total assessed value is \$219,430,679. We have used the lower number, which is more conservative, for the purposes of this feasibility study. If the higher number is used, the Area would still comply with the assessed value limitations. An estimated 24% of the assessed value of the City would be in an urban renewal area.

The estimated total acreage of the urban renewal study area, excluding the beach boardwalk, is 166 acres, including public right-of-way. The City of Gold Beach has 3,894 acres. Therefore, 4.26% of the acreage in the City would be in an urban renewal area. This provides ample room to add acreage for the beach boardwalk.

The acreage and assessed value figures are both below the statutory 25% limitation.

**Table 9 - URA Conformance with AV and Area Limits**

Urban Renewal Area	Assessed Value	Acres
Gold Beach Urban Renewal Study Area	\$48,008,110	166
City of Gold Beach	\$210,416,659	3,894
Percent of Gold Beach AV in Urban Renewal Study Area	24.32%	
Percent of Gold Beach Acreage in Urban Renewal Study Area		4.27%

Source: Curry County GIS data

## Financial Analysis

The projected assessed values of development in the Area are shown in Table 11. The growth percentages are shown in the left columns and reflect two separate assumptions. The first, shown on the right, is a very conservative assumption. In the conservative growth rate scenario, the first three years' projections are below the 3% allowed by statute, but reflect the current economic trends. The following years are at the allowed assessed value growth of 3%.

The moderate growth scenario, shown on the left, reflects conservative assumptions for the first two years, but anticipates renewed growth in the economy in the following years. In the moderate growth rate scenario, the average growth rate starting in FY 2016 is 4.43%. The actual growth in assessed value in the City of Gold Beach over the last 6 years is shown in Table 10, with the average being 4.43%. The amount of tax increment revenues produced in an urban renewal area are predicated on the growth in assessed value in the Area as described in the Background section of this Report.

**Table 10 - Historical Growth in Assessed Value in Gold Beach**

Year	Assessed Values	Percent Change
2011	\$219,430,679	2.43%
2010	\$214,229,112	1.94%
2009	\$210,157,726	4.83%
2008	\$200,467,970	4.10%
2007	\$192,567,924	6.52%
2006	\$180,780,294	6.83%
2005	\$169,224,658	

Source: Curry County Assessor Tax Summaries

Gold Beach Urban Renewal Feasibility Study

Table 11 - Projected Assessed Value Growth: 2 Scenarios

Moderate Growth Rate Scenario	FY	Assessed Value Projections	Conservative Growth Rate Scenario	FY	Assessed Value Projections
2.42%	2012-13	\$54,626,765	2.42%	2012-13	\$54,626,765
2.50%	2013-14	\$55,992,434	2.50%	2013-14	\$55,992,434
3.03%	2014-15	\$57,686,345	2.66%	2014-15	\$57,479,955
3.66%	2015-16	\$59,798,158	2.82%	2015-16	\$59,102,676
4.43%	2016-17	\$62,447,217	3.00%	2016-17	\$60,875,757
4.43%	2017-18	\$65,213,629	3.00%	2017-18	\$62,702,029
4.43%	2018-19	\$68,102,592	3.00%	2018-19	\$64,583,090
4.43%	2019-20	\$71,119,537	3.00%	2019-20	\$66,520,583
4.43%	2020-21	\$74,270,133	3.00%	2020-21	\$68,516,200
4.43%	2021-22	\$77,560,299	3.00%	2021-22	\$70,571,686
4.43%	2022-23	\$80,996,221	3.00%	2022-23	\$72,688,837
4.43%	2023-24	\$84,584,353	3.00%	2023-24	\$74,869,502
4.43%	2024-25	\$88,331,440	3.00%	2024-25	\$77,115,587
4.43%	2025-26	\$92,244,523	3.00%	2025-26	\$79,429,055
4.43%	2026-27	\$96,330,955	3.00%	2026-27	\$81,811,926
4.43%	2027-28	\$100,598,417	3.00%	2027-28	\$84,266,284
4.43%	2028-29	\$105,054,927	3.00%	2028-29	\$86,794,273
4.43%	2029-30	\$109,708,860	3.00%	2029-30	\$89,398,101
4.43%	2030-31	\$114,568,962	3.00%	2030-31	\$92,080,044
4.43%	2031-32	\$119,644,367	3.00%	2031-32	\$94,842,445
4.43%	2032-33	\$124,944,613	3.00%	2032-33	\$97,687,719
4.43%	2033-34	\$130,479,659	3.00%	2033-34	\$100,618,350
4.43%	2034-35	\$136,259,908	3.00%	2034-35	\$103,636,901
4.43%	2035-36	\$142,296,222	3.00%	2035-36	\$106,746,008
4.43%	2036-37	\$148,599,945	3.00%	2036-37	\$109,948,388
4.43%	2037-38	\$155,182,922	3.00%	2037-38	\$113,246,840

Source: ECONorthwest

## Gold Beach Urban Renewal Feasibility Study

The projected Tax Increment Revenues (TIF) from the assessed value growth is shown in Table 12. These are the amounts of funds that could be anticipated to be raised for the Area through the use of urban renewal and tax increment financing. They are shown for a 25-year period on an annual basis (middle column) and cumulative amounts in the last column. They show that, in a moderate growth rate scenario, an estimated \$10.3 million dollars in TIF could be anticipated. In a conservative growth rate scenario, \$6.6 million dollars in TIF could be anticipated. This relates to an estimated \$7.5 and \$5 million in maximum indebtedness, respectively.

**Table 12 - Projected Tax Increment Revenue (TIF)**

Moderate Growth Rate Scenario			Conservative Growth Rate Scenario		
FY	Annual TIF	Cumulative TIF	FY	Annual TIF	Cumulative TIF
2012-13	\$0	\$0	2012-13	\$0	\$0
2013-14	\$13,648	\$13,648	2013-14	\$13,648	\$13,648
2014-15	\$30,576	\$44,224	2014-15	\$28,513	\$42,161
2015-16	\$51,680	\$95,904	2015-16	\$44,730	\$86,891
2016-17	\$78,154	\$174,058	2016-17	\$62,449	\$149,340
2017-18	\$105,800	\$279,858	2017-18	\$80,700	\$230,041
2018-19	\$134,671	\$414,528	2018-19	\$99,499	\$329,539
2019-20	\$164,821	\$579,349	2019-20	\$118,861	\$448,400
2020-21	\$196,306	\$775,655	2020-21	\$138,804	\$587,204
2021-22	\$229,186	\$1,004,841	2021-22	\$159,346	\$746,550
2022-23	\$263,523	\$1,268,364	2022-23	\$180,503	\$927,053
2023-24	\$299,381	\$1,567,745	2023-24	\$202,296	\$1,129,349
2024-25	\$336,828	\$1,904,573	2024-25	\$224,742	\$1,354,091
2025-26	\$375,933	\$2,280,506	2025-26	\$247,862	\$1,601,953
2026-27	\$416,771	\$2,697,277	2026-27	\$271,675	\$1,873,627
2027-28	\$459,418	\$3,156,695	2027-28	\$296,203	\$2,169,830
2028-29	\$503,954	\$3,660,648	2028-29	\$321,466	\$2,491,296
2029-30	\$550,463	\$4,211,111	2029-30	\$347,487	\$2,838,783
2030-31	\$599,032	\$4,810,144	2030-31	\$374,289	\$3,213,073
2031-32	\$649,753	\$5,459,897	2031-32	\$401,895	\$3,614,968
2032-33	\$702,721	\$6,162,619	2032-33	\$430,330	\$4,045,298
2033-34	\$758,036	\$6,920,654	2033-34	\$459,617	\$4,504,915
2034-35	\$815,801	\$7,736,455	2034-35	\$489,783	\$4,994,697
2035-36	\$876,125	\$8,612,580	2035-36	\$520,854	\$5,515,551
2036-37	\$872,280	\$9,484,860	2036-37	\$552,857	\$6,068,408
2037-38	\$888,727	\$10,373,587	2037-38	\$585,820	\$6,654,227

Source: ECONorthwest

## Gold Beach Urban Renewal Feasibility Study

Again, maximum indebtedness is the controlling factor in an urban renewal plan and establishes the amount of funding you may spend on projects, programs and administration in the urban renewal area. It does not include interest or financing costs. The assumptions of maximum indebtedness based on the tables above reflect the assumptions on long and short term debt as shown in Tables 14a and 14b of this Report. They are also based on the assumption that the financing would last for a 25 year term. These assumptions are not restricted by state statute, but restricted by the desires of the locality. The 25 year assumption is typical of urban renewal plans. If you decide you would like to pursue adoption of an urban renewal plan, you would review the assumptions provided by the consultant and determine which assumptions to use for the plan preparation. The financing plan shows that the tax increment revenues come in slowly at first, and build over time. This means you may need to wait a number of years, while not spending the revenue which comes in annually, in order to do projects in the Area. This is typical of urban renewal unless a big project is developed in the beginning years of an urban renewal plan.

Revenue sharing is part of the 2009 legislative changes to urban renewal and means that, at thresholds defined in ORS 457.470, the impacted taxing jurisdictions will receive a share of the incremental growth in the area. The share is a percentage basis dependent upon the tax rates of the taxing jurisdictions. The first threshold is 10% of the original maximum indebtedness. At the 10% threshold, the urban renewal agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold and the taxing jurisdictions will receive 75% of the increment above the 10% threshold. The second threshold is set at 12.5% of the maximum indebtedness, however, the projections do not estimate this threshold will be met.

In the 25-year low-growth scenario with \$5 million in maximum indebtedness the revenue sharing threshold is \$500,000 (10% of the \$5 million maximum indebtedness). Revenue sharing is projected to commence in FY 2036-37, the 24<sup>th</sup> year of the Plan. Obviously, these are just projections, and given that they are 24 years into the future, can only be taken as such.

In the moderate scenario, revenue sharing is estimated to commence in FY 2034-35, which is 22 years after the inception of the plan, again a long time into the future. The moderate growth scenario has a projected maximum indebtedness of \$7.5 million, which means that the threshold is \$750,000 (10% of the \$7.5 million maximum indebtedness).

Gold Beach Urban Renewal Feasibility Study

Table 13a - Projected Revenue Sharing Projection: Conservative Growth Rate Scenario

FY	TIF to be raised	Revenue sharing	TIF to Agency	Cumulative Amount for Agency
2012-13	\$0	\$0	\$0	\$0
2013-14	\$13,648	\$0	\$13,648	\$13,648
2014-15	\$28,513	\$0	\$28,513	\$42,161
2015-16	\$44,730	\$0	\$44,730	\$86,891
2016-17	\$62,449	\$0	\$62,449	\$149,340
2017-18	\$80,700	\$0	\$80,700	\$230,041
2018-19	\$99,499	\$0	\$99,499	\$329,539
2019-20	\$118,861	\$0	\$118,861	\$448,400
2020-21	\$138,804	\$0	\$138,804	\$587,204
2021-22	\$159,346	\$0	\$159,346	\$746,550
2022-23	\$180,503	\$0	\$180,503	\$927,053
2023-24	\$202,296	\$0	\$202,296	\$1,129,349
2024-25	\$224,742	\$0	\$224,742	\$1,354,091
2025-26	\$247,862	\$0	\$247,862	\$1,601,953
2026-27	\$271,675	\$0	\$271,675	\$1,873,627
2027-28	\$296,203	\$0	\$296,203	\$2,169,830
2028-29	\$321,466	\$0	\$321,466	\$2,491,296
2029-30	\$347,487	\$0	\$347,487	\$2,838,783
2030-31	\$374,289	\$0	\$374,289	\$3,213,073
2031-32	\$401,895	\$0	\$401,895	\$3,614,968
2032-33	\$430,330	\$0	\$430,330	\$4,045,298
2033-34	\$459,617	\$0	\$459,617	\$4,504,915
2034-35	\$489,783	\$0	\$489,783	\$4,994,697
2035-36	\$520,854	\$0	\$520,854	\$5,515,551
2036-37	\$552,857	\$39,642	\$513,214	\$6,028,765
2037-38	\$585,820	\$64,365	\$521,455	\$6,550,220

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 13b - Projected Revenue Sharing Projection: Moderate Growth Rate Scenario

FY	TIF to be Raised	Revenue Sharing	TIF to Agency	Cumulative Amount for Agency
2012-13	\$0	\$0	\$0	\$0
2013-14	\$13,648	\$0	\$13,648	\$13,648
2014-15	\$30,576	\$0	\$30,576	\$44,224
2015-16	\$51,680	\$0	\$51,680	\$95,904
2016-17	\$78,154	\$0	\$78,154	\$174,058
2017-18	\$105,800	\$0	\$105,800	\$279,858
2018-19	\$134,671	\$0	\$134,671	\$414,528
2019-20	\$164,821	\$0	\$164,821	\$579,349
2020-21	\$196,306	\$0	\$196,306	\$775,655
2021-22	\$229,186	\$0	\$229,186	\$1,004,841
2022-23	\$263,523	\$0	\$263,523	\$1,268,364
2023-24	\$299,381	\$0	\$299,381	\$1,567,745
2024-25	\$336,828	\$0	\$336,828	\$1,904,573
2025-26	\$375,933	\$0	\$375,933	\$2,280,506
2026-27	\$416,771	\$0	\$416,771	\$2,697,277
2027-28	\$459,418	\$0	\$459,418	\$3,156,695
2028-29	\$503,954	\$0	\$503,954	\$3,660,648
2029-30	\$550,463	\$0	\$550,463	\$4,211,111
2030-31	\$599,032	\$0	\$599,032	\$4,810,144
2031-32	\$649,753	\$0	\$649,753	\$5,459,897
2032-33	\$702,721	\$0	\$702,721	\$6,162,619
2033-34	\$758,036	\$0	\$758,036	\$6,920,654
2034-35	\$815,801	\$49,351	\$766,450	\$7,687,105
2035-36	\$876,125	\$94,594	\$781,531	\$8,468,636
2036-37	\$939,121	\$141,841	\$797,280	\$9,265,916
2037-38	\$1,004,908	\$191,181	\$813,727	\$10,079,643

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

The revenues and allocations to debt service, either a "pay as you go or short term debt" or issuance of bonds are shown in Tables 14a and 14b. Table 14a reflects the conservative growth rate assumptions, \$5 million maximum indebtedness and 2 long-term bonds issued, one in FY 2020-21 and one in FY 2026-27. The remainder of the financing is predicated on short-term debt, also called "pay as you go." The bonds were estimated at 5.5% interest for a 20-year time period. The second bond is defeased at the end of the 25-year projection of the Plan. Although the district is projected to be able to reach the maximum indebtedness in 25 years, this is not a requirement of a Plan. The Plan may terminate earlier or later, depending on when it reaches its maximum indebtedness and pays off its debt.

Table 14a- Revenue Projections and Allocations to Debt: Conservative Growth Rate Scenario

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>TIF Revenue</b>										
Total TIF	\$13,648	\$28,513	\$44,730	\$62,449	\$80,700	\$99,499	\$118,861	\$138,804	\$159,346	\$180,503
Shared	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total for URA	\$13,648	\$28,513	\$44,730	\$62,449	\$80,700	\$99,499	\$118,861	\$138,804	\$159,346	\$180,503
<b>Debt Service</b>										
Pay-as-you-go	\$13,648	\$28,513	\$44,730	\$62,449	\$80,700	\$99,499	\$118,861	\$0	\$2,447	\$23,605
Long-Term Bonds A								\$125,519	\$125,519	\$125,519
Long-Term Bonds B										
Total Debt Service	\$13,648	\$28,513	\$44,730	\$62,449	\$80,700	\$99,499	\$118,861	\$125,519	\$127,966	\$149,124
<b>Resources</b>										
Beginning Balance	\$0	\$13,648	\$42,161	\$86,891	\$149,340	\$230,041	\$329,539	\$448,400	\$1,918,400	\$1,920,847
Pay-as-you-go	\$13,648	\$28,513	\$44,730	\$62,449	\$80,700	\$99,499	\$118,861		\$2,447	\$23,605
Bond/Loan Proceeds								\$1,500,000		
Interest Earnings										
Total Resources	\$13,648	\$42,161	\$86,891	\$149,340	\$230,041	\$329,539	\$448,400	\$1,948,400	\$1,920,847	\$1,944,452
Ending Fund Balance	\$13,648	\$42,161	\$86,891	\$149,340	\$230,041	\$329,539	\$448,400	\$1,918,400	\$1,920,847	\$1,944,452

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 14a - Revenue Projections and Allocations to Debt: Conservative Growth Rate Scenario, continued

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
<b>TIF Revenue</b>							
Total TIF	\$202,296	\$224,742	\$247,862	\$271,675	\$296,203	\$321,466	\$347,487
Shared	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total for URA</b>	<b>\$202,296</b>	<b>\$224,742</b>	<b>\$247,862</b>	<b>\$271,675</b>	<b>\$296,203</b>	<b>\$321,466</b>	<b>\$347,487</b>
<b>Debt Service</b>							
Pay-as-you-go	\$45,397	\$67,843	\$90,963	\$0	\$8,555	\$33,818	\$59,840
Long-Term Bonds A	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519
Long-Term Bonds B				\$104,599	\$104,599	\$104,599	\$104,599
<b>Total Debt Service</b>	<b>\$170,916</b>	<b>\$193,362</b>	<b>\$216,482</b>	<b>\$230,118</b>	<b>\$238,673</b>	<b>\$263,936</b>	<b>\$289,958</b>
<b>Resources</b>							
Beginning Balance	\$1,944,452	\$1,989,849	\$2,057,692	\$2,148,655	\$3,373,655	\$3,382,210	\$3,416,028
Pay-as-you-go	\$45,397	\$67,843	\$90,963		\$8,555	\$33,818	\$59,840
Bond/Loan Proceeds				\$1,250,000			
<b>Interest Earnings</b>							
<b>Total Resources</b>	<b>\$1,989,849</b>	<b>\$2,057,692</b>	<b>\$2,148,655</b>	<b>\$3,398,655</b>	<b>\$3,382,210</b>	<b>\$3,416,028</b>	<b>\$3,475,868</b>
<b>Ending Fund Balance</b>	<b>\$1,989,849</b>	<b>\$2,057,692</b>	<b>\$2,148,655</b>	<b>\$3,373,655</b>	<b>\$3,382,210</b>	<b>\$3,416,028</b>	<b>\$3,475,868</b>

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 14a - Revenue Projections and Allocations to Debt: Conservative Growth Rate Scenario, continued

	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38
<b>TIF Revenue</b>								
Total TIF	\$374,289	\$401,895	\$430,330	\$459,617	\$489,783	\$520,854	\$552,857	\$585,820
Shared	\$0	\$0	\$0	\$0	\$0	\$0	\$39,642	\$64,365
Total for URA	\$374,289	\$401,895	\$430,330	\$459,617	\$489,783	\$520,854	\$513,214	\$521,455
<b>Debt Service</b>								
Pay-as-you-go	\$86,642	\$114,248	\$142,682	\$171,969	\$202,135	\$233,206	\$225,567	\$0
Long-Term Bonds A	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519	\$125,519	\$376,557
Long-Term Bonds B	\$104,599	\$104,599	\$104,599	\$104,599	\$104,599	\$104,599	\$104,599	\$941,391
Total Debt Service	\$316,760	\$344,366	\$372,800	\$402,087	\$432,253	\$463,324	\$455,685	\$1,317,948
<b>Resources</b>								
Beginning Balance	\$3,475,868	\$3,562,510	\$3,676,758	\$3,819,440	\$3,991,409	\$4,193,544	\$4,426,750	\$4,652,317
Pay-as-you-go	\$86,642	\$114,248	\$142,682	\$171,969	\$202,135	\$233,206	\$225,567	\$0
Bond/Loan Proceeds								
Interest Earnings								
Total Resources	\$3,562,510	\$3,676,758	\$3,819,440	\$3,991,409	\$4,193,544	\$4,426,750	\$4,652,317	\$4,652,317
Ending Fund Balance	\$3,562,510	\$3,676,758	\$3,819,440	\$3,991,409	\$4,193,544	\$4,426,750	\$4,652,317	\$4,652,317

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 14b reflects a financing plan based on moderate growth rate assumptions with \$7.5 million maximum indebtedness and 2 long-term bonds issued, one in FY 2020-21 and one in FY 2026-27. The remainder of the financing is predicated on short-term debt, also called "pay as you go." The bonds were estimated at 5.5% interest for a 20-year time period. The second bond is defeased at the end of the 25-year life of the Area.

Table 14b - Revenue Projections and Allocations to Debt: Moderate Growth Rate Scenario

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
<b>TIF Revenue</b>										
Total TIF	\$13,648	\$30,576	\$51,680	\$78,154	\$105,800	\$134,671	\$164,821	\$196,306	\$229,186	\$263,523
Shared	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total for URA	\$13,648	\$30,576	\$51,680	\$78,154	\$105,800	\$134,671	\$164,821	\$196,306	\$229,186	\$263,523
<b>Debt Service</b>										
Pay-as-you-go	\$13,648	\$30,576	\$51,680	\$78,154	\$105,800	\$134,671	\$164,821	\$0	\$19,988	\$54,324
Long-Term Bonds A								\$167,359	\$167,359	\$167,359
Long-Term Bonds B									\$0	\$0
Total Debt Service	\$13,648	\$30,576	\$51,680	\$78,154	\$105,800	\$134,671	\$164,821	\$167,359	\$187,347	\$221,683
<b>Resources</b>										
Beginning Balance	\$0	\$13,648	\$44,224	\$95,904	\$174,058	\$279,858	\$414,528	\$579,349	\$2,539,349	\$2,559,337
Pay-as-you-go	\$13,648	\$30,576	\$51,680	\$78,154	\$105,800	\$134,671	\$164,821	\$0	\$19,988	\$54,324
Bond/Loan Proceeds		\$0						\$2,000,000		
Interest Earnings										
Total Resources	\$13,648	\$44,224	\$95,904	\$174,058	\$279,858	\$414,528	\$579,349	\$2,579,349	\$2,559,337	\$2,613,661
Ending Fund Balance	\$13,648	\$44,224	\$95,904	\$174,058	\$279,858	\$414,528	\$579,349	\$2,539,349	\$2,559,337	\$2,613,661

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 14b - Revenue Projections and Allocations to Debt: Moderate Growth Rate Scenario, continued

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
<b>TIF Revenue</b>							
Total TIF	\$299,381	\$336,828	\$375,933	\$416,771	\$459,418	\$503,954	\$550,463
Shared	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total for URA	\$299,381	\$336,828	\$375,933	\$416,771	\$459,418	\$503,954	\$550,463
<b>Debt Service</b>							
Pay-as-you-go	\$90,182	\$127,629	\$166,734	\$0	\$41,020	\$85,556	\$132,065
Long-Term Bonds A	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359
Long-Term Bonds B	\$0	\$0	\$0	\$167,359	\$167,359	\$167,359	\$167,359
Total Debt Service	\$257,541	\$294,988	\$334,093	\$334,718	\$375,738	\$420,274	\$466,783
<b>Resources</b>							
Beginning Balance	\$2,613,661	\$2,703,843	\$2,831,472	\$2,998,206	\$4,958,206	\$4,999,226	\$5,084,782
Pay-as-you-go	\$90,182	\$127,629	\$166,734	\$0	\$41,020	\$85,556	\$132,065
Bond/Loan Proceeds				\$2,000,000			
Interest Earnings							
Total Resources	\$2,703,843	\$2,831,472	\$2,998,206	\$4,998,206	\$4,999,226	\$5,084,782	\$5,216,847
Ending Fund Balance	\$2,703,843	\$2,831,472	\$2,998,206	\$4,958,206	\$4,999,226	\$5,084,782	\$5,216,847

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 14b - Revenue Projections and Allocations to Debt: Moderate Growth Rate Scenario, continued

	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38
<b>TIF Revenue</b>								
Total TIF	\$599,032	\$649,753	\$702,721	\$758,036	\$815,801	\$876,925	\$939,121	\$1,004,908
Shared	\$0	\$0	\$0	\$0	\$49,351	\$94,594	\$141,841	\$191,181
Total for URA	\$599,032	\$649,753	\$702,721	\$758,036	\$766,450	\$781,531	\$797,280	\$813,727
<b>Debt Service</b>								
Pay-as-you-go	\$180,635	\$231,356	\$284,324	\$339,638	\$348,053	\$363,134	\$340,000	\$0
Long-Term Bonds A	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$502,077
Long-Term Bonds B	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$167,359	\$1,506,231
Total Debt Service	\$515,353	\$566,074	\$619,042	\$674,356	\$682,771	\$697,852	\$674,718	\$2,008,308
<b>Resources</b>								
Beginning Balance	\$5,216,847	\$5,397,482	\$5,628,838	\$5,913,162	\$6,252,800	\$6,600,853	\$6,963,987	\$7,303,987
Pay-as-you-go Bond/Loan Proceeds	\$180,635	\$231,356	\$284,324	\$339,638	\$348,053	\$363,134	\$340,000	\$0
Interest Earnings								
Total Resources	\$5,397,482	\$5,628,838	\$5,913,162	\$6,252,800	\$6,600,853	\$6,963,987	\$7,303,987	\$7,303,987
Ending Fund Balance	\$5,397,482	\$5,628,838	\$5,913,162	\$6,252,800	\$6,600,853	\$6,963,987	\$7,303,987	\$7,303,987

Source: ECONorthwest

## Gold Beach Urban Renewal Feasibility Study

The impacts on taxing jurisdictions are shown in Tables 15a and 15b. The impacts are shown on an annual basis in nominal <sup>3</sup> dollars.

The Curry County School District and the Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are replaced with State School Fund revenues, as determined by a funding formula at the State level. The formula for funding schools did not change in the 2012 legislative session.

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<sup>3</sup> Nominal dollars are "year of receipt" dollars

Gold Beach Urban Renewal Feasibility Study

Table 15a - Impacts on Taxing Jurisdictions: Conservative Growth Rate Scenario

Year	Curry County										Southwest Oregon		Curry County	
	Jurisdiction	School District	Education Service District	Community College	City-Gold Beach	Port-Gold Beach	Cemetery-Rogue River	Health Curry County	Library Curry County	4-H/Extensions	Curry County	General	Increment	Year
2013-14	\$13,648	\$5,349	\$605	\$958	\$3,190	\$564	\$105	\$1,014	\$903	\$139	\$819		2013-14	
2014-15	\$28,513	\$11,176	\$1,265	\$2,002	\$6,665	\$1,179	\$220	\$2,118	\$1,886	\$291	\$1,711		2014-15	
2015-16	\$44,730	\$17,553	\$1,984	\$3,141	\$10,456	\$1,849	\$346	\$3,323	\$2,958	\$457	\$2,684		2015-16	
2016-17	\$62,449	\$24,478	\$2,770	\$4,385	\$14,598	\$2,582	\$482	\$4,640	\$4,130	\$638	\$3,747		2016-17	
2017-18	\$80,700	\$31,632	\$3,579	\$5,666	\$18,864	\$3,337	\$623	\$5,996	\$5,337	\$824	\$4,842		2017-18	
2018-19	\$99,499	\$39,000	\$4,413	\$6,986	\$23,258	\$4,114	\$769	\$7,393	\$6,580	\$1,017	\$5,970		2018-19	
2019-20	\$118,861	\$46,589	\$5,271	\$8,346	\$27,784	\$4,915	\$918	\$8,831	\$7,861	\$1,214	\$7,132		2019-20	
2020-21	\$138,804	\$54,406	\$6,156	\$9,746	\$32,446	\$5,739	\$1,072	\$10,313	\$9,180	\$1,418	\$8,328		2020-21	
2021-22	\$159,346	\$62,458	\$7,067	\$11,189	\$37,247	\$6,588	\$1,231	\$11,839	\$10,538	\$1,628	\$9,561		2021-22	
2022-23	\$180,503	\$70,751	\$8,005	\$12,674	\$42,193	\$7,463	\$1,394	\$13,411	\$11,937	\$1,844	\$10,830		2022-23	
2023-24	\$202,296	\$79,293	\$8,972	\$14,204	\$47,287	\$8,364	\$1,563	\$15,030	\$13,378	\$2,067	\$12,138		2023-24	
2024-25	\$224,742	\$88,091	\$9,967	\$15,780	\$52,334	\$9,292	\$1,736	\$16,698	\$14,863	\$2,296	\$13,484		2024-25	
2025-26	\$247,862	\$97,133	\$10,992	\$17,404	\$57,938	\$10,248	\$1,915	\$18,416	\$16,392	\$2,532	\$14,871		2025-26	
2026-27	\$271,675	\$106,487	\$12,048	\$19,076	\$63,505	\$11,233	\$2,099	\$20,185	\$17,967	\$2,776	\$16,300		2026-27	
2027-28	\$296,203	\$116,101	\$13,136	\$20,798	\$69,238	\$12,247	\$2,288	\$22,007	\$19,589	\$3,026	\$17,772		2027-28	
2028-29	\$321,466	\$126,003	\$14,257	\$22,572	\$75,143	\$13,292	\$2,483	\$23,884	\$21,260	\$3,284	\$19,288		2028-29	
2029-30	\$347,487	\$136,203	\$15,411	\$24,399	\$81,226	\$14,368	\$2,684	\$25,818	\$22,980	\$3,550	\$20,849		2029-30	
2030-31	\$374,289	\$146,708	\$16,599	\$26,281	\$87,491	\$15,476	\$2,891	\$27,809	\$24,753	\$3,824	\$22,457		2030-31	
2031-32	\$401,895	\$157,529	\$17,824	\$28,219	\$93,944	\$16,617	\$3,105	\$29,860	\$26,579	\$4,106	\$24,113		2031-32	
2032-33	\$430,330	\$168,674	\$19,085	\$30,216	\$100,590	\$17,793	\$3,324	\$31,973	\$28,459	\$4,397	\$25,819		2032-33	
2033-34	\$459,617	\$180,154	\$20,383	\$32,272	\$107,436	\$19,004	\$3,551	\$34,149	\$30,396	\$4,696	\$27,577		2033-34	
2034-35	\$489,783	\$191,978	\$21,721	\$34,390	\$114,488	\$20,251	\$3,784	\$36,390	\$32,391	\$5,004	\$29,386		2034-35	
2035-36	\$520,854	\$204,156	\$23,099	\$36,572	\$121,751	\$21,536	\$4,024	\$38,699	\$34,446	\$5,321	\$31,251		2035-36	
2036-37	\$552,857	\$216,700	\$24,519	\$38,819	\$129,231	\$22,859	\$4,271	\$41,076	\$36,562	\$5,648	\$33,171		2036-37	
2037-38	\$585,820	\$229,621	\$25,980	\$41,134	\$136,936	\$24,222	\$4,525	\$43,525	\$38,742	\$5,985	\$35,149		2037-38	
Total	\$6,654,227	\$2,608,223	\$295,107	\$467,231	\$1,555,439	\$275,132	\$51,404	\$494,398	\$440,064	\$67,984	\$399,247		Total	

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

Table 15b - Impacts on Taxing Jurisdictions: Moderate Growth Rate Scenario

Year	Southwest										
	Curry County School District	Curry County Education Service District	Oregon Community College	City-Gold Beach	Port-Gold Beach	Cemetery-Rogue River	Health Curry County	Library Curry County	4-H/Extensions	Curry County General	
2013-14	\$13,648	\$5,349	\$605	\$958	\$3,190	\$564	\$1,014	\$903	\$139	\$819	
2014-15	\$30,576	\$11,985	\$1,356	\$2,147	\$7,147	\$1,264	\$2,272	\$2,022	\$312	\$1,835	
2015-16	\$51,680	\$20,257	\$2,292	\$3,629	\$12,080	\$2,137	\$3,840	\$3,418	\$528	\$3,101	
2016-17	\$78,154	\$30,633	\$3,466	\$5,488	\$18,269	\$3,231	\$5,807	\$5,169	\$798	\$4,689	
2017-18	\$105,800	\$41,470	\$4,692	\$7,429	\$24,731	\$4,374	\$7,861	\$6,997	\$1,081	\$6,348	
2018-19	\$134,671	\$52,786	\$5,972	\$9,456	\$31,480	\$5,568	\$10,006	\$8,906	\$1,376	\$8,080	
2019-20	\$164,821	\$64,604	\$7,310	\$11,573	\$38,527	\$6,815	\$12,246	\$10,900	\$1,684	\$9,889	
2020-21	\$196,306	\$76,945	\$8,706	\$13,784	\$45,887	\$8,117	\$14,585	\$12,982	\$2,006	\$11,778	
2021-22	\$229,186	\$89,833	\$10,164	\$16,092	\$53,573	\$9,476	\$17,028	\$15,157	\$2,342	\$13,751	
2022-23	\$263,523	\$103,292	\$11,687	\$18,503	\$61,599	\$10,896	\$19,579	\$17,428	\$2,692	\$15,811	
2023-24	\$299,381	\$117,347	\$13,277	\$21,021	\$69,981	\$12,378	\$22,244	\$19,799	\$3,059	\$17,963	
2024-25	\$336,828	\$132,025	\$14,938	\$23,651	\$78,734	\$13,927	\$25,026	\$22,275	\$3,441	\$20,209	
2025-26	\$375,933	\$147,353	\$16,672	\$26,396	\$87,875	\$15,544	\$27,931	\$24,862	\$3,841	\$22,556	
2026-27	\$416,771	\$163,959	\$18,483	\$29,264	\$97,421	\$17,232	\$30,965	\$27,562	\$4,258	\$25,006	
2027-28	\$459,418	\$180,076	\$20,375	\$32,258	\$107,390	\$18,995	\$34,134	\$30,383	\$4,694	\$27,565	
2028-29	\$503,954	\$197,532	\$22,350	\$35,385	\$117,800	\$20,837	\$37,443	\$33,328	\$5,149	\$30,237	
2029-30	\$550,463	\$215,762	\$24,412	\$38,651	\$128,672	\$22,760	\$40,898	\$36,404	\$5,624	\$33,027	
2030-31	\$599,032	\$234,800	\$26,566	\$42,061	\$140,025	\$24,768	\$44,507	\$39,616	\$6,120	\$35,941	
2031-32	\$649,753	\$254,680	\$28,816	\$45,623	\$151,881	\$26,865	\$48,276	\$42,970	\$6,638	\$38,985	
2032-33	\$702,721	\$275,442	\$31,165	\$49,342	\$164,262	\$29,055	\$52,211	\$46,473	\$7,179	\$42,163	
2033-34	\$758,036	\$297,123	\$33,618	\$53,226	\$177,192	\$31,342	\$56,321	\$50,131	\$7,745	\$45,481	
2034-35	\$815,801	\$319,765	\$36,180	\$57,282	\$190,695	\$33,731	\$60,603	\$53,951	\$8,335	\$48,947	
2035-36	\$876,125	\$343,410	\$38,855	\$61,518	\$204,796	\$36,225	\$65,095	\$57,941	\$8,951	\$52,567	
2036-37	\$872,280	\$341,903	\$38,685	\$61,248	\$203,897	\$36,066	\$64,809	\$57,686	\$8,912	\$52,336	
2037-38	\$888,727	\$348,350	\$39,414	\$62,403	\$207,742	\$36,746	\$66,031	\$58,774	\$9,080	\$53,323	
Total	\$10,373,587	\$4,066,981	\$460,056	\$728,388	\$2,424,846	\$428,915	\$80,136	\$770,710	\$686,036	\$105,983	\$622,405

Source: ECONorthwest

Gold Beach Urban Renewal Feasibility Study

The projected amount to taxing jurisdictions once an urban renewal plan is terminated is shown in Table 15.

**Table 15 - Taxing Jurisdictions after Urban Renewal**

Jurisdiction	FY 2038-39	
	Moderate Growth Rate Scenario	Conservative Growth Rate Scenario
Curry County School District	\$355,082	\$222,418
Education Service District	\$40,176	\$25,165
Southwest Oregon Community College	\$63,609	\$39,843
City – Gold Beach	\$211,756	\$132,641
Port – Gold Beach	\$37,456	\$23,462
Cemetery-Rogue River	\$6,998	\$4,384
Health Curry County	\$67,307	\$42,160
Library Curry County	\$59,910	\$37,527
4-H/Extensions	\$9,255	\$5,797
Curry County General	\$54,353	\$34,046
<b>Total</b>	<b>\$905,902</b>	<b>\$567,443</b>

Source: ECONorthwest

## Identification of Issues/Decision Points

The issues to consider and decisions to make are:

1. Does blight exist in the Area?

An analysis of the existing conditions of the Area indicates blight exists in the following blight categories:

- deficiencies in the pedestrian transportation system,
- low improvement to land values throughout the Area,
- vacant and underutilized parcels in the Area, and
- conditions of buildings.

2. Can sufficient funds be raised through urban renewal to address the conditions of blight in the Area?

The financial analysis estimates that between \$5-\$7.5 million in maximum indebtedness could be achieved in a 25-year urban renewal plan, depending on the growth rate assumptions used in the Plan. This amount can be used to finance projects throughout the life of the Plan. The actual tax increment revenues exceed that amount but some of those proceeds are allocated to paying debt service and bond issuance costs.

3. What are the impacts on the taxing jurisdictions, including the City of Gold Beach? The estimated impacts on the taxing jurisdictions are shown in Tables 15a and 15b.

4. Does urban renewal make sense for the City of Gold Beach? If so, the City should give guidance on:

- Time frame for urban renewal? (How long should an urban renewal plan last? We evaluated a 25-year district.)
- Which growth rate assumptions to use.
- How many projects to identify for the Plan and at what costs.
- Amount of maximum indebtedness to establish for the Plan. This figure directly correlates to the estimated time frame of the Plan.

## Next Steps

After receipt of an urban renewal feasibility study, the Gold Beach Urban Renewal Agency and the Gold Beach City Council should decide whether they would like to pursue forming an urban renewal area in the city. This decision typically involves reviewing the financial impacts on the city and other taxing jurisdictions and a review of the boundary to ensure that it meets the needs of the city in focusing improvements in the Area. If the city determines it would like to proceed with urban renewal, the following steps should be taken:

1. Direct the urban renewal agency to prepare an urban renewal plan.
2. Hire a consultant for preparation of an urban renewal plan.
3. Prepare a public participation plan for the development of an urban renewal plan. The plan should include opportunities for public involvement at all stages in the urban renewal planning (ORS 457.085(1)). This could be both an advisory committee and a presentation to the citizens of Gold Beach at large.
4. Consult with the impacted taxing jurisdictions.
5. Determine the timeline for proceeding. In order to capture the growth in the Area from January 1, 2012, the plan would need to be adopted by the Gold Beach City Council by September 1, 2012, as new tax rolls are typically released in October of each year. If the plan is adopted after the County Tax Assessor releases the new tax roll, then the frozen base values would be predicated on the new tax rolls (you effectively lose one year of incremental growth in the Area). This is mostly relevant if there is any new development that you are intending to capture as increment. If you do not adopt a plan before October, 2012, you do not have another time constraint until October of the following year.

Gold Beach Urban Renewal Feasibility Study

**Attachment A**

**Wetlands Map**

## **Attachment B**

### **ORS 457.010(1) Definition of Blight**

(1) "Blighted areas" means areas that, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:

(a) The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, that are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

- (A) Defective design and quality of physical construction;
- (B) Faulty interior arrangement and exterior spacing;
- (C) Overcrowding and a high density of population;
- (D) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
- (E) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses;

(b) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

(d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(e) The existence of inadequate streets and other rights of way, open spaces and utilities;

(f) The existence of property or lots or other areas that are subject to inundation by water;

(g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare; or

(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

## Attachment C

### Alternative Funding Sources

Urban renewal typically cannot generate sufficient revenues to pay for all of the projects in an urban renewal area, especially if there are large infrastructure projects that must be undertaken. In addition, urban renewal often takes a few years to generate the revenue stream that is necessary to place tax increment bonds. If cities are intent on pursuing projects in the Area prior to the tax increment revenue stream being sufficient to fund those improvements, cities may make the decision to front the cost of the projects and get repaid from the tax increment funds once they are sufficient. This is true in areas where the infrastructure is necessary to compel the other anticipated development, and where, without the infrastructure, the area would not redevelop.

Tax increment funding may also be used as a “local match” for grants and other governmental funding. Finally, city officials may feel there needs to be a commitment by property owners and businesses to also dedicate revenues to an area that is going to be designated as an urban renewal area. The agreement to fund partial costs through Economic Improvement Districts, Business Improvement Districts, and Local Improvement Districts is evidence of property owner commitment.

Potential alternative sources of funding are listed below:

#### *Economic Improvement District*

An Economic Improvement District (EID) is typically for commercial property owners, and is authorized by ORS 223.112. An EID is a funding mechanism to enable an area to fulfill its commercial revitalization plans, including beautification and property improvements, business development recruitment and retention efforts, marketing commercial districts, and other commercial activities.

An EID may be an assessment on the value of the property (commercial property only) or it may be a fee paid by the property owner. If it is an assessment, the assessments cannot exceed 1% of the total assessed value of the properties within the proposed district. The maximum length is five years, but may be renewed indefinitely and may be voluntary or involuntary. If involuntary, it must have two-thirds support of the commercial property owners within the district. It is established through the City Council in an ordinance after two public hearings. Opposition is received either through written communication from the commercial property owner or testimony in opposition at the hearing where the property owner would also present a letter in opposition. A voluntary EID allows those

opposing the EID to opt out of the payments. It generally takes nine months to establish an EID.

***Business Improvement District (BID)***

A Business Improvement District (BID) is for business owners within a specified area and is authorized by ORS 223.112, the same authorization for Economic Business Districts. A BID is enacted through a business license fee imposed by the City Council after receiving a petition for the formation of the BID signed by 33% or more of persons conducting business with the proposed district. A BID is for a maximum of five years, which can be extended. If more than 33% of the persons conducting business within the district oppose the district in writing, the district and the projects it funds will be terminated. It generally takes nine months to establish a BID.

***Local Improvement District***

Local Improvement Districts are authorized by ORS 223 and are within the Gold Beach City Code. These bonds are secured by charges or assessments to property owners who benefit from the improvements. These assessments are usually on a proportionate share of total costs. LIDs are formed to collect the assessments. The city code allows for initiation of a LID upon the order of the council or upon the petition of owners of one-half of the property to benefit from the improvements. The city has a specific procedure for making the assessments, and liens are recorded on properties to ensure payment of the LID. Some assessment financings are secured by full faith and credit security.

A LID was used in The Dalles for assistance in streetscape projects. It was also used on a development of Keizer Station in Keizer, Oregon in conjunction with urban renewal funds. The LID was with the property owners for the construction of the streets within the area. Keizer Station has been very successful and has brought hundreds of jobs and hundreds of thousands of dollars of assessed value to the City of Keizer. A recent default by one of the property owners caused the City of Keizer to devise a method of paying the LID payments with tax increment funding from the urban renewal district.

***Systems Development Charges***

Revenues from systems development charges (SDCs) may be used pay for approved improvements and may be used as a revenue stream for revenue bonds. Current SDCs in the City of Gold Beach are:

- Sewer connection fee
- Transportation fee
- Water connection fee

***General Obligation Bonds***

General obligation (GO) bonds are backed by the full faith and credit and taxing power of the issuing jurisdiction. A general obligation bond must be approved by a ballot election in the jurisdiction. These bonds may be issued for capital construction and improvements having an expected life of more than one year. GO Bonds are supported by an unlimited tax levy outside the limits of property taxes.

***Revenue Bonds***

Revenue bonds may be issued by the City of Gold Beach and are repaid by a dedicated revenue stream. They are authorized under ORS 287A.150 (revenue bonds) and ORS 271.390 (revenue obligations). No property tax revenues are levied or pledged. Revenue bondholders do not have recourse of full faith and credit of the jurisdiction; these bonds are expected to be fully self-supporting. Typical revenue streams are SDCs, gas taxes, utility taxes, or other identifiable sources. Voter approval is usually not required.

***Full Faith and Credit Bonds***

Full faith and credit bonds are authorized under ORS 271.390 and may be issued by the City of Gold Beach. They are backed by the full faith and credit of the City, without a specific revenue source being identified other than the City's general fund. The City is required to use all legally available resources to meet its bond obligations. The City could issue bonds for improvements in the urban renewal area prior to the ability of the urban renewal area to issue its own bonds. Future revenues from the urban renewal area could be pledged to pay the City back for their expenses under the full faith and credit bond. This commitment would be in the form of a binding agreement between the City and the urban renewal agency.

City of Gold Beach  
Wastewater System Improvements Phase II  
**MONTHLY SUMMARY OF ACTIVITIES FOR JANUARY 2013**  
(Contract Days No. 447  
Through 477)

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Approximately 74% of the project is completed by time

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### **On-Site Personnel Hours**

Stellar J. : Approximately 1250 hours  
Smith and Smith: Approximately 48 hours  
Coating Unlimited: Approximately 260 hours  
Reese Electric: Approximately 310 hours  
Total: Approximately 1868 hours expended in this period

### **Work Accomplished:**

#### Site Work:

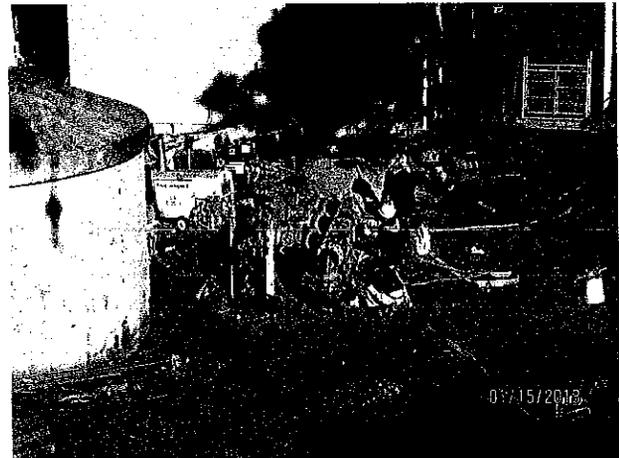
1. Continued installation of hand rails on SBR.
2. Continued installing sockets for jib crane.
3. Applied coating on piping.
4. Continued with patching and sacking of SBR walls.
5. Poured concrete for the walkway and bridge approach
6. Installed exposed potable water pipes and valves.
7. Installed grit removal equipment.
8. Installed non-potable water system.
9. Continued installation of headworks equipment.
10. Continued installation of grit removal equipment.
11. Continued installation of UV equipment.
12. Installed piping for air scrubber.
13. Installed lighting under headworks and UV.
14. Installed roof over the UV.
15. Installed the electrical trough for the headworks pump station.
16. Installed influent piping from the headworks to the SBR.
17. Installed decking over headwork channels.
18. Installed pumps in the headworks pump station.

### **Remarks**

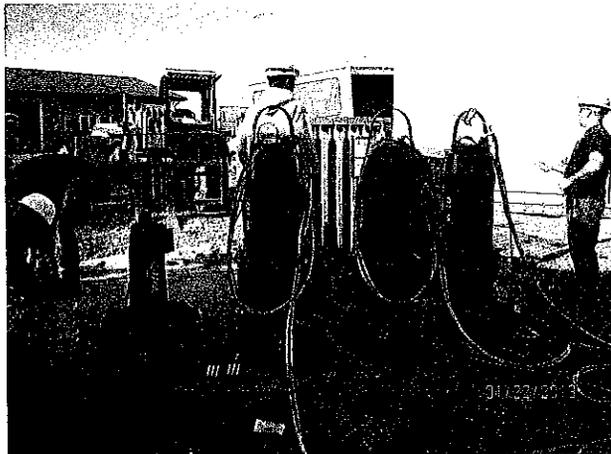
1. A representative with Waste Tech was on site for start-up and training on the headworks equipment.
2. A representative with Wilo Pumps was on site for start-up and training on the headwork pumps.
3. A representative with Trojan UV was on site for start-up and training on the UV.
4. There were several construction meetings held on site.



Installing UV equipment.



Painting piping for headworks pump station.



Headworks pump station pumps.



Installing stairs to SBR.

**City of Yachats**

We don't have any reduced rate on the base – we wouldn't have enough money to maintain the system year round since we have 50% of our home that are vacation homes.

**Port Orford**

We are the same as Yachats, except we don't have that many vacation homes vacant as we have a great many vacation rentals.

**Hood River**

The City of Hood River did this for a while until people would leave for a week and then come back for a week and leave again. The Council put in a \$50 turn-off fee as well as a \$50 turn-on fee. Also the we continue to charge the base rate because they are still connected to a system that requires maintenance. We do the same with our sewer base rate. Just because no one is using the system, it still has to be maintained.

If people don't want to be charged the \$50-off; \$50-on fee, we tell them that they should get a plumber to come over and turn off their water at the house shut-off, but they will still be charged the base rate.

People seem to be OK with it now, but we did have one guy that said if we charged him the shut it off and still bill the base rate, then he would not have enough money to enjoy his 6 months at Key West. I hate it when that happens. Bob

**Sweet Home**

Sweet Home's policy is essentially the same as Hood River, only our turn off/on fee is \$32.00 each. Given our base rate is \$45.50 (which includes 400 cu ft) typically only persons vacating properties for 2 or more months usually partake in this opportunity.

**Brookings**

Same as Hood River. Our fee is \$35.

**Halfway**

Halfway charges a \$9 improvement charge that is related to the sewer connections, so everyone pays it. That being said, when a snowbird leaves, they pay a \$20 WSC, along with that months bill (full water, and pro-rated sewer). During the months that they are gone, they pay only the \$9 imp charge. When they restore services, they pay another \$20 WSC.

I am wanting to change this process, as we are getting more and more that leave for the Winter and we are losing a significant amount of revenue.

We used to allow customers to place their accounts on "vacation" status. We too found it to be a tracking problem and time waster. Our Administrator decided to propose to the Council that it wasn't a good practice due to the facts you noted. Further for budgeting, revenue and even funding purposes each account is calculated in at least the minimum charge. I have attached her memo to the Council so you can see how she presented it to them. They chose to not allow customers to put their accounts on vacation status. Hope this is helpful. Joan ☺

### **Cascade Locks**

We charge our customers a meter base fee that they have to pay whether they use the water or not. The fee is \$9.38 per month. Even if they disconnect their water when they leave they would still pay the meter base fee. We don't have a vacation rate.

### **Did not identify the city**

Yes, it is called a readiness to serve charge (even if we don't call it that), which means that we are providing customers water service 24/7 whether or not it is used, e.g. the fire hydrant is always there for the fire department; hopefully never to be used but there if needed. That costs.

### **Garibaldi**

No vacation rates in Garibaldi; your arguments are the same as mine, and the overhead cost of the service doesn't change just because people are on vacation. Good luck,

### **Union**

Here in Union we have what we call a "Vacation Rate". Anytime water is turned off longer than one month, we put the property on this rate in order to save the property owner money. That is how I have my utility clerks explain it to our customers, so it sounds like the city is doing them a favor. The vacation rate is lower than the regular rate. The vacation rate includes the properties share of all outstanding loans/debit, fire suppression and minor maintenance. In our water and sewer code it specifies all rates will go up 2.5% automatically every year. It takes an ordinance to stop that increase from taking place (*this has actually been a good-thing*).

I'm currently researching what percentage was used to determine fire suppression and maintenance. So if anyone knows how to determine those numbers please share.

### **Did not identify the city**

When I first got here, I discovered that they had an "unofficial policy" of letting the snowbirds off in the winter. It has been a long fight and of course, I'm the bad guy, but the unarguable point is this: we charge a base rate plus water usage for everybody. The base rate is what MAINTAINS the system.

As you pointed out, NO other entities such as phone, power, internet or TV would ever dream of giving you a break like that. You can shut them OFF and take a hiatus, but you don't get to let them run on for free, based on your word that you aren't really home, using them.

If they want to leave their water/sewer on while they are gone or their rental is vacant, they pay the regular base rate, which helps keep the system going for everybody. If they don't want to pay that, they pay \$20 to have it shut off and \$20 to have it turned back on. If the vacancy or trip is longer than a month, it certainly saves money to pay the turn on/off fees.

Sorry - I get wound up when I think of the thousands of dollars the city has lost because of an unofficial policy that was never approved by a council.

**Lincoln City**

Lincoln City does not have a vacation rate, and indeed one third of our houses are second homes occasionally occupied. The majority of our expense is in the infrastructure (water rights, plant, reservoirs and distribution) and this does not go on vacation.

**Amity**

Amity has a vacation rate; I'm not a fan. However, to maintain control over consumption, we actually turn off and lock the meter. We also don't prorate so the meter has to be off for an entire billing cycle (zero consumption) in order to qualify. We also had problems monitoring when people would leave and not tell us when they returned. They'd just turn the meter on themselves and several months later, we'd notice that they were using water and still paying the vacation rate. That is when we started locking the meter. That way it requires a work order for them to regain water service. It works for us.

**Powers**

We are the same as Amity. We charge a vacant rate that is based on our annual debt service payments, and anyone gets the vacant rate as long as there is a meter on the lot and it's locked off. If the meter is on, the user pays the regular base rate. We had the same problems with vacation accounts that would come back and "forget" to let us know they needed to start up their billing.

**Baker City**

If someone calls and wants their water turned off for any reason, we do it. They have to pay \$30 to get it reconnected. There are no reduced rates for vacations or any other reason.

**Malin**

Our ordinance states they can have their water shutoff without a monthly charge if it's over a 1 month period. There is a \$15 reconnect charge. Sewer charges are always charged.

**Nehalem**

We don't change the rates at all. We refer to it in our Ordinance as "ready to serve" so you are charged the minimum whether you use it or not. As a small city with many second home owners we don't have the resources to keep track, nor can we afford to lose the revenue.

**Did not identify the city**

The only "vacation" rate we give is if they are gone the whole billing cycle (2 months) and their water is shut off there is no charge.

**Estacada**

We do not have a vacation rate but people that go on extended vacations sometimes have their water turned off. When they get home, or ready to come home, they call us and we turn it back on. We don't charge if they have their water off. We charge a normal bill for people that don't do this.

## Memo

**To:** Mayor and City Council  
**From:** Janelle Evans, City Administrator/Recorder  
**Date:** November 19, 2012  
**Re:** water accounts on vacation

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### BACKGROUND:

It has recently come to my attention that the City has had a practice of allowing people to have their water shut off if they are going to be gone for a period of time. Basically their account is put on what is called a vacation status and the water is turned off. Then when the customer returns the water is turned back on and they are then billed for water service. In the mean time while they were gone they are not billed. The time period ranges from weeks to months. While this is a nice courtesy to the customers it is not cost effective for the City. Not only does the City lose revenue during that time period we also expend staff time to turn the service off and then turn it back on when they return.

Currently, there are not a lot of customers that are aware of the practice so we only have a few requests. However, as the cost of water and sewer increases I am sure the word will spread and we will have lots of requests. Therefore, the City should be proactive and establish a policy now.

If Council desires to continue the courtesy of shutting off water service for people who go on vacation I think the following rules should apply:

- Customer must be gone for more than 2 months.
- Customer must pay a shut off fee of \$50.00 and a reconnect fee of \$50.00 when the water is turned back on.

It is important to remember that there is a cost to providing water and sewer to each of the customers even if they are not using the service at the time. The City only has about 600 customers to pay for the operations and maintenance of the water and sewer. The shut off fee would help defray some of the cost of administrative time and manpower for turning the services off and on.

### OPTIONS:

1. Discontinue the practice of allowing customers to have their water shut off when they go on vacation or are gone for an extended period of time.
2. Continue the practice of allowing customers to have their water shut off provided they meet the suggested criteria and pay the fees.
3. Establish your own criteria for allowing customers to have their water shut off.
4. Leave the practice the way it is currently being done with no fees or regulations.



## FEBRUARY 2013 CA REPORT

**Since the last council meeting I have initiated or responded to 513 emails. This does not include the ones I just read or read and file.**

### Public Works

Will gave the WWTP project update earlier.

### Police

January stats are attached.

### Visitor Center/Promotions

Glass Floats season is in full swing and our numbers are up at the Visitor Center as well as hits on the website. We had 665 visitors in January. This is up 38% from January of 2012! We are averaging 170 hits per day on the website which is near summertime hit rate.

The second quarter Visitor Information Study (we are participating in a year-long study with other Visitor Centers—July 2012 thru June 2013) will be available this week. If you would like a copy please let me know.

### Trainings & Meetings

I attended a Curry County Commissioners meeting on January 23<sup>rd</sup> and the monthly Chamber Board meeting.

Two LOC OLLI classes in Bandon: January 28<sup>th</sup> and January 29<sup>th</sup>. This got me to 1.5 credits for my LGMC. In order to finish it, I completed two FEMA independent study courses. I have submitted my credit review application to LOC. If they review it favorably I will be granted my 140 credit Local Government Management Certificate. I have completed a total of 178 credits.

On January 31<sup>st</sup> I participated in an employment law webinar from our insurance carrier CIS. I can submit this for credit on my LGMC if needed.

February 2<sup>nd</sup> was the annual Chamber awards banquet. Several of us from the City attended.

February 2<sup>nd</sup> I attended a Travel Oregon meeting in Bandon to help stock Travel Oregon with new material for their website.

This Thursday I will be leaving to attend the San Francisco Travel and Adventure which takes place Saturday the 16<sup>th</sup> and Sunday the 17<sup>th</sup>. This is one of 5 shows representatives of Gold Beach tourism will be attending. The first was in January: the National Tour Association annual conference. There are three Sportsman Shows in Eugene, Roseburg, and Medford this month.

### Finance

We will start working on budget very soon. I will have a Budget Calendar to you for the March meeting.



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

### BUSINESS FROM THE AUDIENCE

If you wish to speak to the Mayor & Council please fill out this form and present it to the Mayor prior to the beginning of the meeting.

NAME: Commissioner Smith

Mailing Address: PO Box 951 Port Orford OR 97465

REPRESENTING: I am representing myself MAA

I am representing the following group/organization: BOC

Nature of business to present: \_\_\_\_\_



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

### BUSINESS FROM THE AUDIENCE

If you wish to speak to the Mayor & Council please fill out this form and present it to the Mayor prior to the beginning of the meeting.

NAME: RICK BUTLER

Mailing Address: POB 883 YREKA CA 96097

REPRESENTING: I am representing myself  ~~#6~~

I am representing the following group/organization: \_\_\_\_\_

Nature of business to present: \_\_\_\_\_