



**AGENDA**

**October 8, 2012, 6:30PM**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

**Call to order:            Time: \_\_\_\_\_**

**1.     The pledge of allegiance**

**2.     Roll Call:**

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

**3.     Special Orders of Business:**

- a.     WWTP update from PW Superintendent, Will Newdall

**4.     Consent Calendar**

Minutes

July 11, 2011, March 12, 2012, April 9, 2012, May 14, 2012, June 11, 2012

**5.     Citizens Comments**

As presented to the Mayor at the beginning of the meeting

**6.     Public Hearing**

- a.     Backyard Chicken Permit fee

**7.     Citizen Requested Agenda Items**

Michael & Anne Kelley, and Christine Haas

Allowing keeping of goats within the City limits

**8.     Public Contracts and Purchasing**

None scheduled

**9.     Ordinances & Resolutions**

- a.     Second Reading Ordinance No. 641 Amending Ordinance No. 634 Gold Beach Zoning Ordinance
- b.     Second Reading Ordinance No. 642 Administration Code revision
- c.     Second Reading Ordinance No. 643 Business Code revision
- d.     Second Reading Ordinance No. 644 Nuisance Code revision

*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*

- e. Resolution R1213-02 Standards for keeping backyard chickens
  - f. Resolution R1213-04 Adopting Muni Court Traffic Fine Schedule
  - g. Resolution R1213-05 Municipal Judge re-appointment
- 10. Miscellaneous Items (including policy discussions and determinations)**
- a. Quarterly City Business Plan Review  
 Goal 5: Complete Capital Projects and Identify Future Capital Needs  
 Goal 6: Influence Economic Growth  
 Goal 7: Effective Intergovernmental Relations  
 Goal 8: Update City Planning
  - b. Urban Renewal next steps
  - c. Discuss Municipal Judge travel & training pay rate
- 11. City Administrator's Report**  
 Will be presented at meeting
- 12. Mayor and Council Member Comments**
- a. Mayor James Wernicke
  - b. Councilors
    - 1) Jeff Crook
    - 2) Larry Brennan
    - 3) Brice Gregory
    - 4) Doug Brand
    - 5) Tamie Kaufman
  - c. Student Liaison, 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, November 12, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

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

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

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

# **CONSENT CALENDAR**

Minutes for:  
July 11, 2011  
March 12, 2012  
April 9, 2012  
May 14, 2012  
June 11, 2012

(sent in separate packet)

# **PUBLIC HEARING**

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 6 a.

Council Hearing Date: October 8, 2012

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Department: Planning &  
Administration

Contact/Title: Jodi Fritts, CA

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

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**TITLE: Backyard Chicken Permit Fee**

**SUMMARY AND BACKGROUND:**

A citizen request was made in August to amend the Zoning Ordinance definition of LIVESTOCK to allow for backyard chickens within the city limits. The Council, by a majority vote, decided to allow the amendment and directed staff to prepare the change. The ordinance amendment had its first reading in September and will have its second reading at this meeting.

A draft Backyard Chicken Permit was presented at the September meeting for review and comment. A fee for the permit was discussed at the last meeting. A public hearing must be held on the proposed fee prior to adoption by the City. I was asked to research the staff time needed to process the permits and propose a fee to the Council.

Sign permits which require planning staff review begin at \$50.

Land use permit clearance (building permit) review by planning staff is \$100.

Issuance of a new address (review by planning staff and sign prepared by PW staff) is \$75.

Business Licenses are \$85 annually.

The chicken permits are going to require a site inspection by planning staff, and random compliance checks. Based on the staff time involved, and the cost of similar permits, I believe a permit cost in the range of \$75-\$100 is fair. This would be a one-time cost.

**FINANCIAL IMPACT:**

Unknown at this time.

**DOCUMENTS ATTACHED:**

- None—The resolution and permit are attached to the Resolution Agenda Report

**REQUESTED MOTION/ACTION:**

The public hearing portion is to discuss the fee itself. The resolution adopting the standards will occur in Section 9 (Ordinances & Resolutions) of the agenda.

**SUGGESTED MOTION:**

**I move that we adopt a permit fee of \$ \_\_\_\_\_ for the administration of the Backyard Chicken Permit program.**

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

Council

**CITIZEN REQUESTED  
AGENDA ITEMS**

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 7.

Council Hearing Date: October 8, 2012

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Department: Planning

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

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**TITLE: Citizen Requested Agenda Item: Request to allow goats in City limits**

**SUMMARY AND BACKGROUND:**

This is a Citizen Requested Agenda item. The citizens will most likely be present tonight to discuss their request, but as I understand it, they wish to be allowed to have goats to keep down the brush on their property due to the steep hillside.

Goats are defined as Livestock in the Zoning Ordinance and are therefore prohibited.

**FINANCIAL IMPACT:**

None at this time.

**DOCUMENTS ATTACHED:**

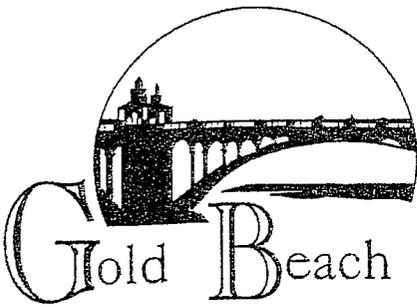
- Completed Citizen Request Agenda Item form
- Copy of portion of the Zoning Ordinance definitions section

**REQUESTED MOTION/ACTION:**

After discussion of the topic, direction to Administrative staff on how to proceed with the request

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

Council



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

CITIZEN REQUESTED COUNCIL AGENDA ITEM

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

October 8, 2012

NAME: Michael + Anne Kelley + Christine Haas

ADDRESS: 29844 Hound Dog Rd.

PHONE: 760717-8990 cell EMAIL: MKelley555@yahoo.com  
Home 541 698 0110 cell or 7607178990

Representing:

I will be representing myself

I will be representing (Organization Name) \_\_\_\_\_

NATURE OF BUSINESS TO BE PRESENTED: \_\_\_\_\_

Requesting permission to have goats on property  
for purpose of cleaning property where it is  
difficult + very hard to get to places due to hill/slope.

RECEIVED

OCT 05 2012

CITY OF GOLD BEACH

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

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

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

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

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

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

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

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

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

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

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

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

Lot. A parcel or tract of land.

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

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

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

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

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

# **ORDINANCES & RESOLUTIONS**

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 a-d.

Council Hearing Date: October 8, 2012

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Department: Administration  
& Finance

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

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**TITLE: Second Reading of Ordinance No. 641-644**

**SUMMARY AND BACKGROUND:**

Ordinance No. 641 Amending the Gold Beach Zoning Ordinance (chicken amendment)  
Ordinance No. 642 Administration Code revision  
Ordinance No. 643 Business Code revision  
Ordinance No. 644 Nuisance Code revision

The first reading of these ordinances by title only occurred in September. This is the second and final reading. The ordinances will be enacted tonight and will go into effect 30 days from this date.

**FINANCIAL IMPACT:**

None at this time.

**DOCUMENTS ATTACHED:**

- Ordinance No. 641-644

**REQUESTED MOTION/ACTION:**

**Suggested Motion for each Ordinance:**

**I move that the Gold Beach City Council approve the second reading of Ordinance No. \_\_\_\_\_ by title only.**

The City Administrator (or the Mayor or Councilors) will read the Ordinance by title only into the record for each one.

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

Council

**ORDINANCE NO. 641**

**AN ORDINANCE AMENDING ORDINANCE NO. 634, THE GOLD BEACH ZONING ORDINANCE, SECTION 1.030 DEFINITIONS**

**WHEREAS**, in August 2012, the City Council received a request from a citizen to amend the Gold Beach Zoning Ordinance to allow for the keeping of backyard chickens for personal use; and

**WHEREAS**, the current Zoning Ordinance defines chicken as livestock and prohibits the keeping of livestock within the city limits except under certain conditional use standards; and

**WHEREAS**, several cities have eased restrictions on the keeping of backyard chickens for domestic purposes; and

**WHEREAS**, on August 13, 2012, the City Council discussed proposed regulations to allow the limited, responsible, keeping of chickens in residential use areas and directed staff to prepare an ordinance amendment allowing for the keeping of backyard chickens for personal use.

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

**Section 1.030 Definitions.** Livestock, is hereby amended as follows:

**LIVESTOCK:** Cows, horses, goats, sheep, pigs, ducks, geese, llamas, alpacas, and other similar animals. Livestock does not include domestic cats, dogs, small birds, rodents, insects, serpents, or other smaller animals normally kept in a dwelling. **Backyard chickens are not considered livestock provided they are kept consistent with the standards defined by resolution of the Gold Beach City Council.**

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

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

First Reading: September 10, 2012

Second Reading: \_\_\_\_\_

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

**ORDINANCE NO. 642**

**AN ORDINANCE ADOPTING A REVISED GOLD BEACH ADMINISTRATION  
CODE AND REPEALING ORDINANCE NO. 628 AND ANY OTHER ORDINANCES  
THAT MAY BE IN CONFLICT**

The City of Gold Beach ordains as follows:

Section 1. The following sections are hereby adopted as the index and provisions of the City of Gold Beach Administration Code:

**ADMINISTRATION CODE**

**INDEX**

General

- 1.005 City Seal
- 1.010 Records
- 1.020 Definitions
- 1.030 Interpretation of Ordinances

City Government

- 1.105 City Council
- 1.110 City Administrator
- 1.118 Authority of City Council when Position of City Administrator is Vacant.
- 1.120 City Planning Commission
- 1.125 Local Budget Committee

Elections

- 1.205 Election Precincts
- 1.210 Initiative and Referendum

Courts

- 1.305 Powers and Duties of Municipal Judge
- 1.310 Interpretation and Rules of Construction
- 1.315 Court Rules and Procedures

Personnel

- 1.405 Personnel Policies

City Contracts

- 1.600 Contract Review Board and Contracting Agency
- 1.605 Opting Out of the Attorney General's Model Rules
- 1.610 Authority of the City Administrator

Section 2. Ordinance Number 628 and any other ordinances in conflict herewith are hereby repealed.

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code. 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 shall be construed as restatements and continuations of the prior provisions.

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

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

First Reading: September 10, 2012

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Second Reading: \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

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

**ORDINANCE NO. 643**

**AN ORDINANCE ADOPTING A REVISED GOLD BEACH BUSINESS CODE AND  
REPEALING ORDINANCE NO. 633 AND ANY OTHER ORDINANCES THAT  
MAY BE IN CONFLICT**

The City of Gold Beach ordains as follows:

Section 1. The following sections are hereby adopted as the index and provisions of the City of Gold Beach Business Code:

**BUSINESS CODE**

**INDEX**

General

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

Business License Code

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

Transient Room Tax and Community Promotion Code

- 4.200 Title
- 4.205 Definitions
- 4.210 Tax Imposed
- 4.215 Rules for Collection of Tax by Operator
- 4.220 Operator's Duties

- 4.225 Exemptions
- 4.230 Registration of Operator; Certificate of Authority
- 4.235 Due Date; Return and Payment
- 4.240 Penalties and Interest
- 4.245 Deficiency Determinations; Fraud or Evasion
- 4.250 Redeterminations
- 4.255 Security for Collection of Tax
- 4.260 Lien
- 4.265 Refunds
- 4.270 Purpose of and Distribution Formula for Transient Room Tax Receipts
- 4.275 Record Keeping and Inspection
- 4.280 Term, Powers and Duties of the Community Promotions Committee
- 4.285 Appeals to City Council
- 4.286 Severability
- 4.290 Violations
- 4.295 Penalties

Gold Beach Sign Code

- 4.300 Title
- 4.305 Purposes
- 4.310 Definitions
- 4.315 Permit Required
- 4.320 Other Permits
- 4.325 Application for Permit
- 4.330 Permit Fee
- 4.335 Permit and Fee Exceptions
- 4.340 Exempt Signs
- 4.345 Prohibited Signs
- 4.350 Nonconforming Signs
- 4.355 Maintenance of Signs
- 4.360 Inspections
- 4.365 Size and Spacing of Signs
- 4.370 Design and Construction
- 4.375 Projection and Clearance
- 4.380 Fin Signs
- 4.385 Pole Signs
- 4.390 Ground Signs
- 4.395 Roof Signs
- 4.400 Wall Signs
- 4.405 Projecting Signs
- 4.410 Combination Signs
- 4.415 Marquees
- 4.420 Electric Signs
- 4.425 Temporary Signs
- 4.430 Political Signs
- 4.435 Prohibited Conduct

- 4.440 Administration and Appeals
- 4.445 Sign Code Variance Procedures
- 4.550 Enforcement – Notice and Opportunity to Comply
- 4.460 Filing of Complaint; Temporary Restraining Order
- 4.465 Enforcement – Remedial Power of the Court
- 4.470 Enforcement – Violation

Vendor Assisted Tobacco Sales Code

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

Social Gaming Code

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

Section 2. The following ordinances, and all other ordinances or portions of ordinances of the City of Gold Beach in conflict herewith, are repealed:

- (1) 526 (social gaming).
- (2) 577 (business licenses).
- (3) 597 (transient room tax).
- (4) 612 (sign ordinance).
- (5) 562 (vendor assisted tobacco sales).

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this code. 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 shall be construed as restatements and continuations of the prior provisions.

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

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

First Reading: September 10, 2012

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Second Reading: \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

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

**ORDINANCE NO. 644**

**AN ORDINANCE ADOPTING A REVISED GOLD BEACH NUISANCE AND  
OFFENSE CODE AND REPEALING ORDINANCE NO. 632 AND ANY OTHER  
ORDINANCES THAT MAY BE IN CONFLICT**

The City of Gold Beach ordains as follows:

Section 1. The following sections are hereby adopted as the index and provisions of the City of Gold Beach Nuisance and Offense Code:

**NUISANCE AND OFFENSE CODE**

**INDEX**

General

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

Dog Control

- 5.050 Definitions
- 5.055 Dogs Running at Large Prohibited
- 5.060 Dogs Must be Licensed
- 5.065 Enforcement
- 5.070 Penalties
- 5.075 Impoundment
- 5.080 Release of Impounded Dogs

Discarded Vehicles

- 5.100 Definitions
- 5.105 Declaration of Public Nuisance
- 5.110 Prohibited Action
- 5.115 Police Duty
- 5.120 Entry upon Private Property
- 5.125 Hearing by City Council
- 5.130 Abatement of City and Appraisal
- 5.140 Disposal of Vehicle
- 5.150 Redemption Before Sale
- 5.155 Assessment of Costs

Nuisance Code

- 5.200 Title and Definitions

- 5.205 Prohibited Animal Nuisance
- 5.210 Nuisances Affecting Public Health
- 5.220 Nuisances Affecting Public Safety
- 5.225 Attractive Nuisances
- 5.230 Snow and Ice
- 5.235 Noxious Growths Prohibited
- 5.240 Scattering Rubbish
- 5.245 Trees
- 5.250 Fences
- 5.255 Surface Waters, Drainage
- 5.260 Radio and Television Interference
- 5.265 Junk
- 5.270 Soliciting
- 5.275 Container Burning and Open Burning
- 5.280 Unenumerated Nuisances
- 5.285 Notice of Abatement
- 5.290 Abatement by the Property Owner
- 5.295 Joint Responsibility
- 5.300 Abatement by the City
- 5.305 Assessment of Costs
- 5.310 Summary Abatement
- 5.315 Penalties
- 5.320 Separate Violations

#### Dangerous Buildings

- 5.350 Definitions
- 5.355 General Regulations
- 5.360 Nuisance
- 5.365 Initial Action
- 5.370 Hearing; Mailed Notice
- 5.375 Published and Posted Notices
- 5.380 Council Orders; Notice
- 5.385 Abatement by City
- 5.390 Assessment
- 5.395 Summary Abatement
- 5.398 Penalty

#### Offense Code

- 5.400 Definitions
- 5.405 Prosecution Procedures—State Statutes Adopted
- 5.410 Violations — State Statutes Adopted
- 5.415 Soliciting or Confederating to Violate Code
- 5.420 Offenses Outside City Limits
- 5.425 Attempt to Commit Offenses
- 5.430 Separate Violations
- 5.435 Penalties

- 5.440 Nuisance Abatement
- 5.500 Disorderly Conduct at Fires
- 5.510 Unnecessary Noise
- 5.515 Discharge of Weapons
- 5.520 Violating Privacy Of Another
- 5.525 Release of Child Confined in Vehicle
- 5.530 Place of Amusement
- 5.535 Poisoning of Animals
- 5.540 Police and Fire Communications
- 5.550 Obstruction of Building Entrances
- 5.555 Open Cellar Doors or Grates
- 5.560 Obstruction of Fire Hydrants
- 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

Section 2. The following ordinances and all ordinances in conflict herewith are hereby repealed:

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
23. Ordinance No. 560

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

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

First Reading: September 10, 2012

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Second Reading: \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

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

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 e.

Council Hearing Date: October 8, 2012

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Department: Planning &  
Administration

Contact/Title: Jodi Fritts, CA

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

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**TITLE: Resolution R1213-02 Standards for keeping Backyard Chickens**

**SUMMARY AND BACKGROUND:**

A citizen request was made in August to amend the Zoning Ordinance definition of LIVESTOCK to allow for backyard chickens within the city limits. The Council, by a majority vote, decided to allow the amendment and directed staff to prepare the change. The ordinance amendment had its first reading in September and will have its second reading at this meeting.

A draft Backyard Chicken Permit was presented at the September meeting for review and comment. Requested changes to the proposed permit have been made and are attached to this report.

A concern was brought to me after the last meeting regarding potential contamination of the Rogue River from chicken waste. I had Planning staff contact the Department of Fish and Wildlife for their comments. We sent them the draft resolution and permit. They provided the following feedback:

“The ordinance looks pretty good. Given the restriction on the number of chickens allowed, and the requirement to keep them in a coop, the potential to impact aquatic habitat seems pretty low. About the only thing we would add is that in order to further minimize potential for runoff coops shouldn’t be sited within riparian areas.”

I have incorporated that recommendation into the resolution and permit.

**FINANCIAL IMPACT:**

Unknown at this time.

**DOCUMENTS ATTACHED:**

- Resolution R1213-02 Standards for Backyard Chickens
- Backyard Chicken Permit

**REQUESTED MOTION/ACTION:**

**SUGGESTED MOTION:**

**I move that we adopt Resolution R1213-02, a resolution providing for standards to allow the keeping of backyard chickens within the City of Gold Beach.**

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

Council

## RESOLUTION R1213-02

### A RESOLUTION PROVIDING FOR STANDARDS TO ALLOW THE KEEPING OF BACKYARD CHICKENS WITHIN THE CITY OF GOLD BEACH

**WHEREAS**, in August 2012, the City Council received a request from a citizen to amend the Gold Beach Zoning Ordinance to allow for the keeping of backyard chickens for personal use; and

**WHEREAS**, the current Zoning Ordinance defines chicken as livestock and prohibits the keeping of livestock within the city limits except under certain conditional use standards; and

**WHEREAS**, several cities have eased restrictions on the keeping of backyard chickens for domestic purposes; and

**WHEREAS**, on August 13, 2012, the City Council discussed proposed regulations to allow the limited, responsible, keeping of chickens in residential use areas and directed staff to prepare an ordinance amendment allowing for the keeping of backyard chickens for personal use; and

**WHEREAS**, Ordinance No. 641 amended Ordinance No. 634 (The Gold Beach Zoning Ordinance) to redefine the definition of LIVESTOCK to permit backyard chickens under specific standards as defined by resolution of the City Council; and

**WHEREAS**, a public hearing on the permit fee for a Backyard Chicken Permit was held on October 8, 2012, in order to take testimony and consider the administrative costs associated with the program.

**NOW, THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach, Oregon, adopts the following standards for the keeping of backyard chickens within residential use areas of the City:

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.

5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area.

The permit fee for a Backyard Chicken Permit shall be set at: \$\_\_\_\_\_ .

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 8<sup>th</sup> day of October, 2012.

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James H. Wernicke, Mayor

ATTEST:

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Candy Cronberger, City Recorder



# City of Gold Beach

29592 Ellensburg Avenue  
Gold Beach, Oregon, 97444  
541-247-7029  
[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



## BACKYARD CHICKEN PERMIT APPLICATION

Name of Applicant: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address (if different than property address): \_\_\_\_\_

\_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

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

\_\_\_\_\_

**A completed land use Permit Clearance Form must be submitted with this application. If you have questions regarding the applications please contact the City Planning Department.**

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

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.
5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area.

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

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

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

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

**FINAL PERMIT APPROVAL**

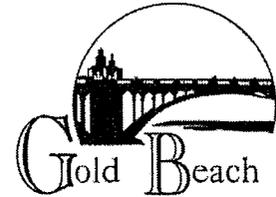
APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**Conditions of Approval:**

DENIED: \_\_\_\_\_ DATE: \_\_\_\_\_

**Reason for Denial:**

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 9 f.

Council Hearing Date: October 8, 2012

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Department: Police Department  
Municipal Court

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

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## **TITLE: Resolution R1213-04 Traffic Offense Presumptive Fines**

### **SUMMARY AND BACKGROUND:**

**MUNI COURT FINES:** As we have discussed previously, in January the state changed the fee structure for traffic offenses. \$60 of every ticket must now be remitted to the state. As a result of this change, we discussed adopting our own fee structure. At the August meeting we reviewed the City of Eugene's presumptive fine schedule. The Council directed staff to prepare a fine schedule and resolution for adoption at the September meeting. At the September meeting there were concerns about the difference between violations and crimes and whether we would be taking on liability for providing additional services if we cited certain crimes into our court. I was asked to confer with legal counsel and the Police Department.

The Police Department reviewed the proposed fine schedule and marked the crimes that we currently cite into county Circuit Court. After speaking with legal counsel it was decided we would remove those crimes from our schedule. Our officers still have the ability to cite for those crimes they will simply continue their current practice of citing into Circuit Court utilizing the State presumptive fine schedule.

### **FINANCIAL IMPACT:**

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

### **DOCUMENTS ATTACHED:**

- Revised Traffic Offense Presumptive Fine Schedule
- Resolution R1213-04 enacting the fine schedule

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

#### **Suggested Motion:**

**I move that we adopt Resolution R1213-04, a resolution setting the Gold Beach Municipal Court Traffic Offenses Presumptive Fine Schedule.**

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

Council, Chief Andrews, Judge Fallman

**RESOLUTION R1213-04**

**A RESOLUTION SETTING GOLD BEACH MUNICIPAL COURT TRAFFIC  
OFFENSES PRESUMPTIVE FINE SCHEDULE**

**WHEREAS**, as provided in Chapter V of the Gold Beach City Charter, the City operates a Municipal Court to enforce the ordinances and codes of the City of Gold Beach; and

**WHEREAS**, the City Code Section 6.050 provides for the applicability of State Traffic Laws within the city limits of Gold Beach and a violation of such state traffic laws shall be considered offenses against the City of Gold Beach when committed within its boundaries; and

**WHEREAS**, the City is desirous to adopt a City specific presumptive fine schedule for violations of traffic offenses within the city limits of Gold Beach; and

**WHEREAS**, the City Council held a public hearing on August 13, 2012, to take testimony and deliberate on the proposed presumptive fine schedule.

**NOW, THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach, Oregon, hereby adopts the presumptive fine schedule, attached to this resolution as EXHIBIT A, for traffic offenses within the City of Gold Beach

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 8<sup>th</sup> day of October, 2012.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

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

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

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

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

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

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

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

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

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

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

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

# **GOLD BEACH CITY COUNCIL AGENDA REPORT**



Agenda Item No. 9 g.

Council Hearing Date: October 8, 2012

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Department: Municipal Court

Contact/Title: Jodi Fritts, CA

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

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## **TITLE: Resolution R1213-05 Municipal Judge appointment**

### **SUMMARY AND BACKGROUND:**

The Administration Code requires that we re-appoint a Municipal Judge annually.

### **FINANCIAL IMPACT:**

The Municipal Judge salary was approved for fiscal year 12-13 at \$7,000—this is a part-time position.

### **DOCUMENTS ATTACHED:**

- Resolution R1213-05 appointing Judge and Judge Pro-Tempore

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

#### **Suggested Motion:**

**I move that we adopt Resolution R1213-05, a resolution appointing a municipal judge and judge pro-tempore**

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

Council, Chief Andrews, Judge Fallman

**RESOLUTION R 1213-05**

**A RESOLUTION APPOINTING A MUNICIPAL JUDGE &  
JUDGE PRO-TEMPORE**

**WHEREAS:** Chapter V, Section 21 of the City of Gold Beach City Charter grants the Gold Beach City Council the authority to appoint a Municipal Judge and specify the term and salary for the appointment; and

**WHEREAS:** Administration Code Section 1.305 2(b) sets a one (1) term of appointment for of Municipal Judge; and

**WHEREAS:** The Council is desirous to re-appoint the current Municipal Judge: James Fallman and current Judge Pro-Tempore: Rod Black; and

**WHEREAS:** The budget for the salary for the City of Gold Beach Municipal Court Judge was approved at \$7,000, which is approximately 155 hours at \$45 per hour for Fiscal Year 2012-2013.

**NOW THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach hereby appoints James Fallman as Municipal Judge, and Rod Black as Judge Pro-Tempore.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH,  
COUNTY OF CURRY, STATE OF OREGON, THIS 8<sup>TH</sup> DAY OF OCTOBER  
2012.**

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James H. Wernicke, Mayor

ATTEST:

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Candy Cronberger, City Recorder

# **MISCELLANEOUS ITEMS**

(Including policy discussions and determinations)

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10 a.

Council Hearing Date: October 8, 2012

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Department: Various Departments

Contact/Title: Jodi Fritts, CA

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

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## **TITLE: Third and Fourth Quarter Business Plan Review**

The third quarter review of Goals 5 and 6 of the Business Plan was due to occur in July. The fourth quarter review of Goals 7 and 8 are current for October.

### **Third Quarter Review:**

#### **Goal 5: Complete Capital Projects and Identify Future Capital Needs**

- 1) Complete new sewer plant. The sewer plant construction project is on-schedule and on-budget. We are looking at a summer 2013 completion date.
- 2) Evaluate and identify water projects. This has been completed and work has begun on some of the projects. We had a state Drinking Water inspection in late September and had a very favorable report. A representative from the state will be attending our Small Cities meeting here in November. We should have our final inspection report from DHS shortly which I will pass on to the council.  
We have identified leaks in our system and either repaired or scheduled repairs of the major ones discovered.  
The Water Master Plan is currently being finished by our engineers and will be presented by the end of the year.
- 3) Complete funding and construction of 3<sup>rd</sup> Street sidewalks. We have once again applied for a Special City Allotment grant through ODOT. They announce the awardees (and losers) this month. We continue City funded work on this project and have just this week completed an additional survey of road right-of-way in order to facilitate the sidewalk on the south side of the road. We have met with Coos-Curry about installing 2 street lights and this will occur when we prep the road for the sidewalk.
- 4) Evaluate the possibility of relocating city facilities. This is an on-going process. Any "light-bulb" ideas would be appreciated. We are constrained by all of our wonderful natural features such as the oceans, mountains, and the rivers and creeks on location of facilities. It is a challenging issue.
- 5) Complete pavement management analysis. This has been completed and repair and repaving of several "hot" spots has been scheduled for the next few weeks during paving projects by the county and state.
- 6) Improve project readiness to take advantage of federal/state funding opportunities. This is an on-going process and PW Superintendent Will Newdall and I talk almost weekly about this subject.

## **Goal 6: Influence Economic Growth**

- 1) Study annexation pros and cons. We were going to discuss this topic in July and then it was discovered that we were no longer able to get information from the County's GIS system. I have been keeping in touch with the County regarding the GIS situation. This week they informed me that they are rebuilding the system. The old system is still running and the City of Brookings hired an analysis to help them with data extraction. The County said it was possible that we may work with Brookings to get their analyst (at a cost to us of course) to extract the data we need. I will talk with Brookings and see if that is possible and how much it would cost. We also need the data for our Urban Renewal Plan.
- 2) Pursue development of an urban renewal district. We are working on this. The council voted last month to go forward with the formation of the district. We have been in discussions with the contractor that did the feasibility study to do the plan work for us. Public meetings will start very soon.
- 3) Participate in regional economic development activities; develop strategic partners. This is a high priority for me currently. Because of our new collaborative ED work with the Chamber of Commerce, I have been invited to attend an ad-hoc group of south coast partners formed by Bandon Dunes philanthropic division: Wild Rivers Coast Alliance (not to be confused with the Americas Wild Rivers Coast brand—different group). The WRCA objective is to fund projects on the South Coast that make land and waters healthy, promote tourism and support new job opportunities for local residents. The attendees included: the Cities of Brookings, Port Orford, Bandon, Gold Beach, the Port Orford Ocean Resource Team, Southern Oregon Visitors Association, The Chambers of; Gold Beach, Bandon, and Brookings, Travel Oregon, and the hosts: Bandon Dunes WRCA. It was a really exciting meeting and I am looking forward to working with this group of tourism and ED professionals.
- 4) Develop and regularly review/update infrastructure master plans and development standards. This is an ongoing process. We need to get back to the FOG discussion that was brought up earlier this year. We need to have an up to date ordinance in place by next summer when the new sewer plant goes online.
- 5) Develop plan for addressing downtown parking needs. This was tasked to the Planning Commission and when they finish the sign code review (which should be this month or next) they can begin on this task.

## **Fourth Quarter Review**

### **Goal 7: Effective Intergovernmental Relations**

- 1) Participate in intergovernmental agencies and initiatives that further the City's goals. This is on-going. I am always trolling for ways to partner with other agencies and non-profits or organizations to maximize the potential to all of us.
- 2) Develop strategic partners, public and private. Please see 6(3) and 7(1). Anything I can do to get the City out there I am doing it. Attending meetings and events--talking at the Chamber luncheons--attending classes and workshops where I can network and meet potential partners—you name it and I'm there on behalf of Gold Beach. I am currently attending the Ford Family Institute for Community Building. I have found it very interesting and have already made some connections with individuals that I may not have been able to make previously. I'm getting "Social Capital" (as they call it) for the City that I think will be very useful.

- 3) Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings. I have been reaching out to all these agencies--except the Fair Board--which I will work on. There is a collaborative tourism project that I believe could be mutually beneficial to both our agencies.

**Goal 8: Update City Planning**

- 1) Update the current city sign code and incorporate it into the zoning ordinance. The PC is online to finish the project in by the December target date.
- 2) Develop general zoning standards for "hot button" topics (list attached). This will probably be addressed after the downtown parking action item mentioned earlier.
- 3) Investigate possible grant opportunities for the library sidewalk and other pedestrian/bike path projects. The grant opportunities are on-going. The bike/ped projects is something the Urban Renewal Agency has discussed recently and I would like to talk to the Port about collaborative opportunities with them. I believe ODOT TGM dollars could be leveraged with our agencies to create an exciting bike/ped tourist route through the port and past the airport along the beach. Additionally, at the recent meeting with the WRCA group I said I would participate in a group to work on bike path/trail opportunities as an economic development/tourism draw to our area. That sub-group will hopefully be meeting soon.
- 4) Update the land division code. This one is on the list but has not been addressed yet.
- 5) Formulate site review/site design standards for building permit and land use applications. This would include open space options. This is high priority for some of the PC members.
- 6) Triage the current Comprehensive Plan and begin the process of updating the chapters. This needs to be a priority issue. Our current plan was adopted in 1984 and is so out of date it is laughable. Lauren has expressed concerns from a legal standpoint because of its age. I will have Planning staff pursue options to get the ball rolling on this. We should be able to get some kind of funding from DLCDC to assist with this work. If not, I can pursue maybe an Americorps/RARE volunteer to work on it.

**FINANCIAL IMPACT:**

Depends on which issue is discussed...

**DOCUMENTS ATTACHED:**

- Portion of the City Business Plan Goals 5-8

**REQUESTED MOTION/ACTION:**

Discuss each topic and assign new target dates or priority to the items.

**COPY OF REPORT SENT TO:**

Council, Department Heads for each department



**We are a growing alliance of farmers, ranchers, fishermen, outdoor recreationalists, environmentalists and conservationists who have joined together around a shared commitment to unite conservation, economic interest and promote tourism on Oregon's South Coast.**

**Our objectives are achieved by funding important projects in our communities that make our land and waters healthy, promote tourism and support new job opportunities for local residents. All net proceeds from Bandon Preserve, the 5<sup>th</sup> golf course at Bandon Dunes Golf Resort, will benefit Wild Rivers Coast Alliance.**

**To learn more, please visit  
[www.wildriverscoastalliance.com](http://www.wildriverscoastalliance.com)  
or call 541.347.5938**

# City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
	9	CA	10/2010 ONGOING
	10	CA	09/2010 ONGOING
<b>GOAL 4: A Safe Community</b>			
Adequately staffed, equipped and housed police and fire departments. Maintain streets in a safe/serviceable condition. Provide clean drinking water and compliant wastewater treatment. Improve personal/family preparedness.	1	PC	07/2013 ONGOING
	2	CA	07/2015
	3	PWS/CA	05/2011 CHECK
	4	CA	07/2010 ONGOING
	5	CA/CC	09/2010 ONGOING
	6	CA/PWS	07/2010 ONGOING
	7	CA/PWS	07/2010 ONGOING
<b>GOAL 5: Complete Capital Projects and Identify Future Capital Needs</b>			
Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth.	1	PWS/CA	03/2013 07/2013
	2	PWS	06/2011 COMPLETED
	3	CA/PWS	11/2011 ONGOING
	4	CA/CC	07/2011 ONGOING
	5	PWS	07/2011 CHECK

**KEY:**

CC = City Council  
FC = Fire Chief

CA = City Administrator

PC = Police Chief

PWS = Public Works Superintendent

# City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
<b>GOAL 6: Influence Economic Growth</b>			
Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth.	6	Improve project readiness to take advantage of federal/state funding opportunities	CA/PWS Ongoing
	1	Study annexation pros and cons INFO GATHERING AND WORKSHOPS	CC 01/2011 SUMMER 2012
	2	Pursue development of an urban renewal district. FORMED AGENCY	CC 09/2010 AGENCY FORMED 07/2010
	3	Participate in regional economic development activities; develop strategic partners.	CA Ongoing
	4	Develop and regularly review/update infrastructure master plans and development standards.	PWS/CA 07/2011 ONGOING
5	Develop plan for addressing downtown parking needs. TASK TO PLANNING COMMISSION	CA/ PLANNING COMM 05/2011 ONGOING	
<b>GOAL 7: Effective Intergovernmental Relations</b>			
Influence regional, state, national policy on issues important to achieving City goals. Secure grant funding. Efficient use of City resources. Orderly urban growth. Achieve City goals through strategic partnerships.	1	Participate in intergovernmental agencies and initiatives that further the City's goals.	CA/CC Ongoing
	2	Develop strategic partners, public and private.	CA/CC Ongoing
	3	Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings	CA/CC Ongoing

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

# City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives		Priority/Action Items	Responsible Party	Target				
<b>GOAL 8: Update City Planning</b>								
Become more proactive in planning activities								
1	Update the current city sign code and incorporate it into the zoning ordinance	Develop general zoning standards for "hot button" topics such as: <ul style="list-style-type: none"> <li>• Homeless shelters</li> <li>• Wind turbines</li> <li>• No pornography near schools</li> <li>• Credit for on-street parking and parking in general</li> <li>• Viewscape/viewshed protection standards</li> <li>• Height limits – generally</li> <li>• Maximum/minimum setbacks in commercial and high density residential zones</li> <li>• Affordable housing</li> </ul>	ASD/CC	03/2012				
					2	Investigate the ODOT Safe Routes to School program for possible grant opportunities for the library sidewalk and other pedestrian/bike path projects.	CA	11/2010 ONGOING
					3	Update the land division code	CA/CC	06/2012 06/2013
					4	Formulate site review/site design standards for building permit and land use applications. This would include landscaping requirements OPEN SPACE OPTIONS.	CA/CC	07/2011 06/2013
					5	Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984).	CA/CC	01/2011 12/2012
					6			

**KEY:**

CC = City Council  
FC = Fire Chief

CA = City Administrator

PC = Police Chief

PWS = Public Works Superintendent

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 10 c.

Council Hearing Date: October 8, 2012

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Department: Municipal Court

Contact/Title: Jodi Fritts, CA

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

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**TITLE: Municipal Judge travel and training pay rate**

**SUMMARY AND BACKGROUND:**

This Judge Pro-Tempore has complained several times since last year about the travel and training pay rate. The T&T rate per hour is \$17. The regular hourly rate is \$45. The Council sets the pay rates for employees. I have attached a copy of the resolution setting the pay rate from last year.

**FINANCIAL IMPACT:**

The Municipal Judge salary was approved for fiscal year 12-13 at \$7,000—this is a part-time position.

**DOCUMENTS ATTACHED:**

- Copy of Resolution R1112-14

**REQUESTED MOTION/ACTION:**

Council decision on the travel and training pay rate for the Municipal Judge

**COPY OF REPORT SENT TO:**

Council

**RESOLUTION R1112-14**

**RESOLUTION ESTABLISHING A TRAINING PAY RATE FOR THE MUNICIPAL JUDGE AND MUNICIPAL JUDGE PRO TEM**

- Whereas:** Chapter V, Section 21 of the City of Gold Beach City Charter grants the City Council of the City of Gold Beach the authority to specify the compensation for the Gold Beach Municipal Court Judge and Judge Pro-tem; and
- Whereas:** Through Resolution R 1112-09 the Gold Beach City Council set the compensation for the Gold Beach Municipal Court Judge and the Municipal Court Judge Pro-tem at \$45 per hour not to exceed \$6,800 for Fiscal Year 2011-12; and
- Whereas:** It is desirable for the City to support ongoing professional training for both the Gold Beach Municipal Court Judge and Municipal Court Judge Pro-tem to ensure they remain current with changes in federal and state laws; and
- Whereas:** Both federal and state law require employees receive compensation for time engaged in professional training if the training is required as a part of their job responsibilities; and
- Whereas:** It is not fiscally practical for the City to compensate the Gold Beach Municipal Court Judge and Municipal Court Judge Pro-tem for time involved in professional training at the rate of \$45 per hour; and
- Whereas:** Federal and state law allow for the establishment of differing pay rates for the same position for different duties, tasks or functions so long as the pay rate is equal to or greater than the prevailing minimum wage rate; and
- Whereas:** It is in the best financial interest of the City to establish a separate training pay rate for the Gold Beach Municipal Court Judge and Municipal Court Judge Pro-tem.

**NOW, THEREFORE, BE IT RESOLVED:** that the City Council of the City of Gold Beach, Oregon does hereby establish a training pay rate for the Gold Beach Municipal Court Judge and the Municipal Court Judge Pro-tem at \$17.00 per hour.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, THIS 21<sup>st</sup> DAY OF SEPTEMBER 2011.**

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James H. Wernicke, Mayor

Attest:

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Jodi Fritts, City Recorder