

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, August 6, 2015
6:00 p.m.

I. Call to Order

- A. Roll call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

- 1. This meeting is being digitally recorded.
- 2. The next meeting of the Planning Commission will be on August 13 at 6:30 p.m. in the City Council Chamber.
- 3. The next regular City Council meeting is scheduled for August 20 at 6:00 p.m. in the City Council Chamber.

II. Public Hearing

None

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

None

V. Consent Calendar

- A. Regular Meeting Minutes of July 16, 2015 (pg. 3-4)

VI. Written Communications

None

VII. Staff Reports

City Administrator

VIII. Unfinished Business

- A. Second Reading – Vacation Rental Dwelling Ordinance (pg. 5-11)
- B. Second Reading – Chronic Nuisance Property Ordinance (pg. 12-19)

IX. New Business

- A. Discussion – Capital Improvement Project Approvals
- B. Resolution 15-25 – Capital Purchase of a New Public Works Vehicle (pg. 20-22)
- C. Resolution 15-26 – Capital Purchase of a Dump Trailer (pg. 23-25)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Adjournment

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, July 16, 2015

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Sanderson, Councilor Burgess and Councilor Mitchell

Staff Present: Aaron Prunty, City Administrator

ANNOUNCEMENTS

The Mayor led the audience in the Pledge of Allegiance and made the announcements on the agenda.

CONSENT CALENDAR

Revised Accounts Payable, \$103,816.27
Regular Meeting Minutes of June 18, 2015

Motion to Approve the Consent Calendar.

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 5-0

STAFF REPORT

The City Administrator explained the monthly budget report and advised resources are higher and expenditures are lower than budgeted. He also noted the audit is scheduled to take place in November.

NEW BUSINESS

A. First Reading – Vacation Rentals Dwelling Ordinance

The City Administrator read the title and Exhibit A. The Mayor directed the City Administrator, if the ordinance is adopted at the next council meeting, to send letters to the current vacation rental owners advising in September the City CSO office will inspect vacation rentals to make sure the rentals meet requirements.

B. First Reading – Chronic Nuisance Property Ordinance

The City Administrator read the title and several definitions. The City Councilors discussed the noise portion of the ordinance. Councilor Burgess reiterated this ordinance is for chronic nuisance problems.

Citizens commented on pros and cons.

C. Resolution 15-24 – Council Rules of Government

The City Administrator read the Resolution in its entirety.

Motion to Approve Resolution 15-24 – Council Rules of Government

Motion: Councilor Burgess Second: Councilor Mitchell

All ayes. Motion carried 5-0

D. OLCC License Renewals

Motion to Approve OLCC License Renewals

Motion: Councilor Mitchell Second: Councilor Sanderson

All ayes. Motion carried 5-0

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mary Stirling announced a Dutch Oven Cook off on Sat July 18th at the Upper Rogue Community Center.

Art Stirling expressed his concerns regarding the speeds people are driving on the north end of town. Mr. Stirling questioned if the electronic speed signs track the speeds of the drivers that pass.

COUNCIL COMMENTS

Councilor Ulrich noted his attendance at the RVACT meeting. He stated the highway project is on schedule. The volunteer fire department will be handing out free fire alarms.

Mayor Anderson suggested the City put up the funds necessary to install an 8 inch pipe and fire hydrants along the 62 corridor. He asked that the council consider the idea and it may come back to the council in the future. Councilor Burgess commented on the benefit to commerce with the 8 inch pipe.

ADJOURNMENT

There being no further business before the council, the Mayor adjourned the regular meeting at 7:18 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Hayes _____
Councilor Hughes _____
Councilor Sanderson _____



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: August 6, 2015

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Second Reading – Vacation Rental Dwelling Ordinance

Attachment List: Proposed Ordinance and Attached Exhibits A and B

Issue Before the Council: This is a second reading of an ordinance to amend the current zoning ordinance, permitting vacation rentals as a conditional use in residential zones. The Council should consider adoption of the proposed ordinance.

Key Facts and Information Summary: The City Council has allowed vacation rentals to operate in residential zones through a lengthy trial period. Both the Planning Commission and City Council have held public hearings and taken public testimony relative to vacation rentals. This is a second reading of a proposed ordinance that would allow vacation rentals, as a conditional use, in residential zones.

Fiscal Notes: The City may receive several thousand dollars annually in transient occupancy taxes from vacation rental owners if this use is allowed in residential zones.

Staff Recommendation: Staff recommends a second reading and possible adoption of the proposed ordinance.

Proposed Motion: **“I MOVE TO APPROVE AN ORDINANCE AMENDING THE SHADY COVE CODE OF ORDINANCES TO INCLUDE VACATION RENTAL DWELLINGS AS A CONDITIONAL USE IN RESIDENTIAL ZONING DISTRICTS.”**

City of Shady Cove

Ordinance No.

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING THE SHADY COVE CODE OF ORDINANCES TO INCLUDE VACATION RENTAL DWELLINGS AS A CONDITIONAL USE IN RESIDENTIAL ZONING DISTRICTS

Whereas, Chapter 154, of the Shady Cove Code of Ordinances governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,

Whereas, The criteria used to evaluate the requested amendments to the Code of Ordinances are contained in Section 154.438 with additional considerations in Section 154.380(F).

Whereas, The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on May 14, 2015, to consider amendments to Chapter 154 of the Shady Cove Code of Ordinances to add vacation rental dwellings to the list of permitted uses in its residential zones and to establish regulations governing their use. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff report that is part of the record; and,

Whereas, Following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve File VR 15-01 to allow vacation rentals, not as a permitted use, but as a conditional use, in residential zoning districts; and,

Whereas, On June 18, 2015, the City Council, after providing proper public notice, met in Public Hearing to consider the Planning Commission recommendation.

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

The Shady Cove Code of Ordinances is amended as follows:

- | | |
|------------------------|---|
| Section 1: Title | This Ordinance shall be known as the Vacation Rental Dwelling Ordinance of the City of Shady Cove, Oregon. |
| Section 2: Description | Vacation Rental Dwelling regulations, attached as Exhibit A, approved by the City Council. |
| Section 3: Amendment | The conditional uses sections contained in Sections 154.037 (R-1), 154.052 (R-2), and 154.067(R-3) of the Shady Cove Code of Ordinances Plan Map are amended to add Vacation Rental Dwellings. Chapter 154 is further amended to add Vacation Rental Standards. |

Section 4: The City Council adopts as its own, and incorporates by reference, the Planning Commission recommendation attached as Exhibit B, to the extent that it is consistent with the City Council decision.

PASSED AND APPROVED by the Common Council of the City of Shady Cove this 6th day of August 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Burgess _____
Councilor Mitchell _____
Councilor Sanderson _____
Councilor Ulrich _____

EXHIBIT "A"

PROPOSALS FOR A VACATION RENTAL ORDINANCE

Approval of this ordinance adds vacation rentals as a conditional use in all areas zoned residential.

Vacation rentals that were included in the City's trial between June 1, 2014 and December 31, 2014 will be grandfathered, and exempt from the conditional use requirement, provided that the owner of that property has a valid vacation rental Business License for fiscal year 2015-2016. Should the property owner of the grandfathered residence fail to meet the foregoing or expand the size of that residence, the conditional use process will be in effect.

STANDARDS

1. Maximum occupancy: 10 people
2. Maximum number of vehicles: 4
3. Vehicles must be parked on the rental property, not on the public right of way
4. Not more than 50% of the front yard setback area may be used for parking. The balance must be "landscaped" to prevent parking
5. No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00pm
6. Vacation rentals must comply with all City policies, standards and ordinances
7. Animals, other than service animals, are not permitted
8. Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property
9. With the exception of enclosed barbecues, any outside fire is prohibited

SAFETY REQUIREMENTS

1. Smoke alarms must be present and functioning. Smoke alarms 10 years and older must be replaced with new smoke alarms that have a 10-year battery and hush button. Smoke alarms must be installed on each floor of the residence, including basement and attached garage, if existing
2. At least one 2A-10BC rated fire extinguisher must be visible and readily accessible for each floor of the residence including basement, if existing. Portable fire extinguishers shall be fully charged and serviced annually
3. Exit doors cannot be blocked to prevent egress. Corridors and exit ways must be free of obstructions. Each sleeping room will have at least one operable window for use as a secondary means of escape
4. At least one plug-in rechargeable flashlight will be readily accessible on each occupied floor of the residence
5. If on the second floor, there is no other means of escape, two story vacation rentals must provide a roll out ladder for use as a secondary means of escape
6. A carbon monoxide alarm must be present and functioning in a structure having a carbon monoxide source as defined in ORS 105.836

GENERAL

1. A 500 foot minimum spacing between vacation rental properties, on the same side of the river, is required
2. A copy of the vacation rental standards shall be posted in a conspicuous place inside the vacation rental
3. Owners of vacation rental property must have a local contact, and provide the City Administrator with the name and telephone number for that contact
4. Written consent is required from affected property owners if the vacation rental property is accessed by a shared driveway. A copy of the written consent is to be provided to the City Administrator
5. Transient Occupancy Tax will apply to all rentals of 30 days or less

EXHIBIT "A"

ENFORCEMENT

1. Annually, prior to the issuance of a Business License for vacation rentals, the City's CSO will make a premise visit. The visit will ensure that all safety requirements (smoke alarms, fire extinguishers, flash lights and exit provisions) are in place as well as a posted sign reflecting vacation rental standards
2. Complaint handling:
 - a. Any confirmed complaint made to the City, regarding vacation rentals, will be evaluated by the City Administrator for validity. If deemed valid the complaint will be directed to the City's CSO for action
 - b. Complaints filed directly with the Sheriff's Office, will be handled by that group. Information concerning resultant action will be provided to the City Administrator
3. Valid complaint action:
 - a. A first valid complaint will result in a warning.
 - b. A second valid complaint is subject to a fine of up to \$500.00 per day, for each day during the period of the rental which generated the complaint
 - c. A third valid complaint will result in cancellation of the Business License, and may include additional fine(s)
4. With the exception of the grandfathered property noted in this ordinance, property owners offering their property for vacation rental without going through the conditional use process and/or possessing a valid Business License is a violation of this ordinance. In addition to a cease and desist order, the property owner will be subject to a fine of up to \$500.00 for each day the property is/was rented for vacation purposes.

EXHIBIT "B"

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO CHAPTER 154 OF THE)
SHADY COVE CODE OF ORDINANCES TO) RECOMMENDATION
ADD VACATION RENTAL BY OWNER (VRBO)) TO CITY COUNCIL
AS A PERMITTED USE IN THE RESIDENTIAL)
ZONING DISTRICTS)

APPLICANT: City of Shady Cove Planning File No. VR 15-01

RECITALS:

- 1) Chapter 154, of the Municipal Code of the City of Shady Cove governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on May 14, 2015, to consider amendments to Chapter 154 of the Shady Cove Code of Ordinances to add vacation rental dwellings to the list of permitted uses in its residential zones and to establish regulations governing their use. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff report that is part of the record; and,
- 3) On May 14, 2015, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve File VR 15-01 to allow vacation rentals, not as a permitted use, but as a conditional use in residential zoning districts. The motion passed by a roll call vote of 3 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens and staff, and findings of fact which are a part of the record, the City Planner's staff report; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,

- 3) The City provided public notice through the Upper Rogue Independent, and mailed notices to owners of all properties within the city limits via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 4) The Planning Commission received testimony from those who supported vacation rentals, citing the positive effect on the city's economy. It also heard from opponents who were concerned about the potential adverse effects on surrounding residential uses. Others spoke neither for nor against the proposal, but had concerns about the difficulty of ensuring compliance with the proposed operating standards. They also recommended informing applicants of the need to carry liability insurance. During deliberations, the Commission discussed the merits of limiting occupancy to two adults per bedroom, continuing the maximum occupancy in proposed Standard 1. This would permit fewer guests in smaller homes.
- 5) The criteria used to evaluate the requested amendments to the Code of Ordinances are contained in Section 154.438 with additional considerations in Section 154.380(F). The Planning Commission finds that the request meets the criteria and considerations.

SECTION 2: CONCLUSION

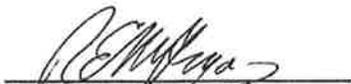
The Planning Commission concludes that the proposed amendments to Section 154 of the Shady Cove Code of Ordinances comply with procedural requirements of the Shady Cove Code of Ordinances. The commission also concludes that, based on the hearings record, it is appropriate to include vacation rentals as a conditional use rather than a permitted use, requiring a public hearing before approval of a vacation rental.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of amendments to Section 154 of the Shady Cove Code of Ordinances to include vacation rentals as a conditional use in residential zoning districts. The Commission recommends modifying Standard 1 to allow a maximum of two adults per bedroom, with a maximum occupancy of ten persons. The Commission further recommends adding the following approval standards:

19. Owner shall provide liability insurance.
20. The City shall maintain a registry of vacation rentals.
21. Existing members of the VRBO registry are exempt from the conditional use permit requirements unless they are to be expanded.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 29th day of May 2015, in Shady Cove, Oregon.



Dжек McGregor, Planning Commissioner



City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: August 6, 2015

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Second Reading and Possible Adoption – Chronic Nuisance Property Ordinance

Attachment List: Proposed Ordinance

Issue Before the Council: This is a second reading and possible adoption of an ordinance to define and abate nuisance property.

Key Facts and Information Summary: The City recognizes there are properties that receive a higher volume of calls for law enforcement service. Also, the City receives a significant number of complaints of nuisance activity. The proposed ordinance will properly define chronic nuisance property and provide for additional legal remedies for abating the nuisance.

Fiscal Notes: N/A

Staff Recommendation: Staff recommends adoption of the proposed ordinance.

Proposed Motion: **“I MOVE TO APPROVE AN ORDINANCE DEFINING CHRONIC NUISANCE PROPERTY, PROVIDING FOR THEIR ABATEMENT AND PROVIDING ACTIONS, REMEDIES AND ENFORCEMENT.”**

City of Shady Cove

Ordinance No. _____

AN ORDINANCE OF THE CITY OF SHADY COVE DEFINING CHRONIC NUISANCE PROPERTY, PROVIDING FOR THEIR ABATEMENT AND PROVIDING ACTIONS, REMEDIES AND ENFORCEMENT

Whereas, the City of Shady Cove identifies numerous conditions as nuisances, along with abatement, appeals and penalty procedures; and

Whereas, the City Council recognizes certain property to present a nuisance to the community and City of Shady Cove; and

Whereas, nuisance properties pose a threat to public welfare.

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

Sections:

- Section 1. Definitions.
- Section 2. Violation.
- Section 3. Procedure--Notice.
- Section 4. Commencement of action--Remedies.
- Section 5. Emergency closure during pendency of action.
- Section 6. Enforcement--Costs.
- Section 7. Severability.

Section 1. Definitions.

For purposes of this chapter, the following definitions apply:

“Chronic nuisance property” means property on which two or more nuisance activities have occurred during any thirty-day period; property on which, or within two hundred feet of, any person associated with the property has engaged in two or more nuisance activities during any thirty-day period; or property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses under Oregon law have occurred within the previous thirty days; and the execution of the search warrant has resulted in the discovery of such controlled substances.

“Control” means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

“Nuisance activities” means any of the following activities, behaviors or criminal conduct, as defined under Oregon state law: harassment; intimidation; disorderly conduct; assault or menacing; sexual abuse, contributing to the delinquency of a minor, or sexual misconduct; public indecency; prostitution or related offenses; alcoholic liquor violations; theft; arson or related offenses; possession, manufacture, or delivery of a controlled substance or related offenses; illegal gambling; criminal mischief; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses; unlawful discharge of a firearm; unlawful operation of sound-producing or reproducing equipment or unnecessary noise.

“Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the commission of an act.

“Person” means any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the city of Shady Cove.

“Person associated with” means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

“Person in charge” means any person, in actual or constructive possession of a property, including but not limited to an owner or occupant of property under his or her dominion, ownership or control.

“Property” means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

Section 2. Violation.

A. Any property within the city of Shady Cove which is a chronic nuisance property is in violation of these provisions and subject to the remedies prescribed herein. A property is not in violation of these provisions if an occupant of the property is the victim of a crime constituting the nuisance activity or an innocent occupant's family member is the victim of such crime.

B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed herein. Any person in charge who is a victim of a crime constituting the nuisance activity or any innocent person in charge whose family member is the victim of such crime shall not be in violation of these provisions.

Section 3. Procedure--Notice.

A. When the city administrator receives a police report documenting the occurrence of a nuisance activity on or within two hundred feet of a property within the city, the city administrator or the city administrator's designee shall independently review such reports to determine whether they describe any acts enumerated under nuisance activities above. Following such review, the city administrator may notify the person in charge in writing that the property is in danger of becoming chronic nuisance property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the property.
2. A statement that the city administrator has information that the property may be chronic nuisance property, with a concise description of the nuisance activities that may exist or that have occurred. The city administrator shall offer the person in charge an opportunity to propose a course of action that the city administrator agrees will abate the nuisance activities giving rise to the violation.
3. Demand that the person in charge respond to the city administrator within ten days to discuss the nuisance activities.

B. After notification of nuisance activities to a person in charge, when the city administrator receives a police report documenting the occurrence of a second nuisance activity at or within two hundred feet of a property and determines that the property has become a chronic nuisance property, the city administrator shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:

1. The street address or legal description sufficient for identification of the property.
2. A statement that the city administrator has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his findings.
3. Demand that the person in charge respond within ten days to the city administrator and propose a course of action that the city administrator agrees will abate the nuisance activities giving rise to the violation.
4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or

such other place which is likely to give the person in charge notice of the determination by the city administrator.

5. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.

6. A copy of the notice shall also be posted at the property if ten days have elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the city administrator.

7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.

C. If after the notification, but prior to the commencement of legal proceedings by the city pursuant to these provisions, a person in charge stipulates with the city administrator that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the city administrator may agree to postpone legal proceedings for a period of not less than ten nor more than thirty days.

D. Concurrent with any notification procedures set forth above, the city administrator shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the city attorney.

E. When a person in charge makes a response to the city administrator, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This section does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.

Section 4. Commencement of action--Remedies.

A. The city council may, by resolution after affording the person in charge of the property an opportunity to be heard before the council, authorize the city attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate. Proof shall be by a preponderance of the evidence.

B. If, after the commencement but prior to the trial of any action or suit brought by the city, a person in charge of chronic nuisance property stipulates with the city that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the city may agree to stay proceedings for a period of not

less than ten nor more than sixty days, except in the case of nuisance activity involving drugs where a search warrant was executed at the property. The person in charge or the city may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the city reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the city may seek such relief as is deemed appropriate.

C. It is a defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.

D. In the event a court determines property to be chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six months, nor more than one year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the city stipulate that the nuisance has been and will continue to be abated.

E. If a property is found to be chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to one hundred dollars per day for each day nuisance activities occurred on the property following notice.

F. In establishing the amount of any civil penalty requested, the court may consider any of the following factors and shall cite those found applicable:

1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
2. The financial condition of the person in charge;
3. Whether the problem at the property was repeated or continuous;
4. The magnitude or gravity of the problem;
5. The cooperativeness of the person in charge with the city;
6. The cost of the city of investigating and correcting or attempting to correct the nuisance activities; and
7. Any other factor deemed by the court to be relevant.

G. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.

Section 5. Emergency closure during pendency of action.

If warranted, the city may seek emergency closure of the property. Any emergency closure proceeding initiated under this provision shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of Oregon Rule of Civil Procedure 79 for obtaining temporary restraining orders. In such an event the notification procedures set forth above need not be complied with.

Section 6. Enforcement--Costs.

A. The court may authorize the city to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to physically secure the property shall be paid to the city by the person in charge and may be included in the city's money judgment. As used in this section, "costs" means those costs actually incurred by city for physically securing the property, as well as tenant relocation costs pursuant to this section.

B. The city department(s) physically securing the property shall prepare a statement of costs and the city shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, the statement of costs shall be included in the city's money judgment.

C. Judgments imposed by this chapter shall bear interest at the rate of nine percent per year from the date the judgment is entered.

D. Any person who is assessed the costs of physically securing the property by the court shall be personally liable for the payment thereof to the city.

E. The person in charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(31) if, without actual notice, the tenant moved into the property after either:

1. A person in charge received a notice from the city administrator's determination that the property may be nuisance property; or
2. A person in charge received notice of an action brought to close a chronic nuisance property.

Section 7. Severability.

The provisions of this chapter are intended to be consistent with any applicable provisions of state law. If any provision, or its application to any person or circumstances, is held to be invalid for any reason, the remainder of these provisions, or

the application of them to other persons or circumstances, shall not in any way be affected.

PASSED AND APPROVED by the City Council of the City of Shady Cove this _____ day of August, 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: August 6, 2015

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Resolution 15-25 – Capital Purchase of a New Public Works Vehicle

Attachment List: Resolution 15-25

Issue Before the Council: Shall the City Council approve the purchase of a new public works vehicle?

Key Facts and Information Summary: This purchase was approved by the Budget Committee and City Council as part of the 2015-2016 Budget, in the General Fund as capital outlay (\$35,000).

The City participates in the State of Oregon Cooperative Procurement Program (ORCPP), which allows the City to purchase products and services at state contracted prices. Through this program we are able to purchase a new vehicle at a significantly reduced cost.

Our current public works vehicle does not have the towing or hauling capacity required to accomplish public works tasks (i.e., hauling gravel for road maintenance or equipment for landscaping and ditch maintenance). A new vehicle will allow our personnel to complete tasks that require additional capacity and make our public works department more effective and efficient.

Other Alternatives Considered: Council could choose not to approve this purchase and carry a larger positive balance in the general fund.

Fiscal Notes: This was budgeted at \$35,000 as capital outlay in the General Fund.

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Goals/Policies:

Short Term Goal #2: Properly equip the single Public Works employee

Long Term Goal #9: Reestablish a City Public Works Department

Staff Recommendation: The City recommends Council approve Resolution 15-25.

Proposed Motion in Favor:

"I MOVE TO APPROVE RESOLUTION 15-25, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON AUTHORIZING THE PURCHASE OF A NEW PUBLIC WORKS VEHICLE AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCOMPLISH THIS PURCHASE.'"

City of Shady Cove

Resolution 15-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
AUTHORIZING THE PURCHASE OF A NEW PUBLIC WORKS VEHICLE AND
AUTHORIZING THE CITY ADMINISTRATOR TO SIGN ALL DOCUMENTS NECESSARY TO
ACCOMPLISH THIS PURCHASE**

Whereas, the City of Shady Cove has a present need for a public works vehicle with additional hauling and towing capacity; and

Whereas, the City of Shady Cove is a member of the Oregon Cooperative Procurement Program, and therefore eligible to participate in state purchasing contracts; and

Whereas, the current budget includes the purchase of a new public works vehicle, budgeted as capital outlay, to be paid for with monies from the General Fund (budgeted at \$35,000).

Whereas, the City Administrator, through the Oregon Cooperative Procurement Program process, has obtained quotes from the respective state contractors; and

Whereas, the following bids were received for a 2016 Ford F350 XL 4x4:

- Landmark Ford (\$29,332.00)
- Gresham Ford (\$ _____)
- North Side Trucks (\$ _____)
- Power Ford Lincoln (\$28,587.00) no truck tool box

Now, therefore, be it resolved, the City Council hereby authorizes the City Administrator to execute and sign all necessary documents to accomplish this purchase with _____.

Adopted this 6th day of August, 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

- Mayor Anderson _____
- Councilor Ulrich _____
- Councilor Sanderson _____
- Councilor Burgess _____
- Councilor Mitchell _____



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: August 6, 2015

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Resolution 15-26 – Capital Purchase of a Dump Trailer

Attachment List: Resolution 15-26

Issue Before the Council: Shall the City Council approve the purchase of a heavy duty dump trailer for public works?

Key Facts and Information Summary: This purchase was approved by the Budget Committee and City Council as part of the 2015-2016 Budget, in the General Fund as capital outlay (\$7,500).

Our public works department currently uses a light duty landscape trailer which is limited in capacity, to haul our riding lawnmower. Our public works employee has been using the backhoe to haul gravel and road maintenance supplies to all parts of the city, which is inefficient and very time consuming. A larger, heavy duty trailer would increase capacity required to accomplish public works tasks (i.e., hauling gravel for road maintenance or equipment for landscaping, etc.).

Other Alternatives Considered: Council could choose not to approve this purchase and carry a larger positive balance in the general fund.

Fiscal Notes: This was budgeted at \$7,500 as capital outlay in the General Fund.

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Goals/Policies:

Short Term Goal #2: Properly equip the single Public Works employee

Long Term Goal #9: Reestablish a City Public Works Department

Staff Recommendation: The City recommends Council approve Resolution 15-26.

Proposed Motion in Favor:

“I MOVE TO APPROVE RESOLUTION 15-26, ‘A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON AUTHORIZING THE PURCHASE OF A DUMP TRAILER AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCOMPLISH THIS PURCHASE.’”

City of Shady Cove

Resolution 15-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
AUTHORIZING THE PURCHASE OF A DUMP TRAILER AND AUTHORIZING THE CITY
ADMINISTRATOR TO SIGN ALL DOCUMENTS NECESSARY TO ACCOMPLISH THIS
PURCHASE**

Whereas, the City of Shady Cove has a present need for a public works trailer with additional hauling capacity; and

Whereas, the current budget includes the purchase of a new Big Tex 12LX Dump Trailer, budgeted as capital outlay, to be paid for with monies from the General Fund (budgeted at \$7,500).

Now, therefore, be it resolved, the City Council hereby authorizes the City Administrator to execute and sign all necessary documents to accomplish this purchase.

Adopted this 6th day of August, 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____