

# Agenda

## Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber  
22451 Highway 62, Shady Cove, Oregon  
Thursday, September 4, 2014  
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 Planning Commission meeting scheduled for September 11 has been cancelled.
- 3. The next meeting of the City Council will be on September 18 at 6:00 p.m. in the City Council Chamber.

### II. Public Comment

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

### III. Presentation

None

### IV. Consent Calendar

- A. Accounts Payable, \$15,324.58 (pg. 3)
- B. Regular Meeting Minutes of August 21, 2014 (pg. 4-7)

### V. Written Communications

None

### VI. Staff Reports

City Administrator

## **VII. Unfinished Business**

- A. Second Reading of Ordinance 268 – Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax (pg. 8-17)

## **VIII. Public Hearing**

None

## **IX. New Business**

- A. Ordinance 268 – Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax
- B. First Reading of Ordinance 269 – Amending the Sign Regulations of the Shady Cove Code of Ordinances (pg. 18-34)
- C. Approval to Attend the Caselle Financial Solutions Fall Conference (pg. 35-36)
- D. Approval to Attend the OMFOA Fall Conference (pg. 37-38)

## **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  
Unpaid Bills Report  
August 22, 2014 to August 27, 2014**

<u>Payee</u>	<u>Amount</u>	<u>Description</u>
Celtic Circle	\$700.00	Shop Rental
CenturyLink Svcs.	\$704.07	Phone Services & Equipment
Crystal Fresh	\$47.00	Bottled Water
House Family Trust	\$0.04	Utility Refund
Jackson County Roads	\$13,388.09	Street Sweeping/Sealing/Patching/Grading
Jermain, Debby	\$136.00	Training - Per Diem
Pacific Power	\$74.51	Utilities
Pitney Bowes, Inc.	\$122.38	Supplies
Southern Oregon Sanitation	\$107.25	Utilities
VistaPrint	\$45.24	Business Cards
Total:	\$15,324.58	

City of Shady Cove  
**City Council Regular Meeting Minutes**  
Thursday, August 21, 2014

**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 Hughes, Councilor Hayes, Councilor Ulrich and Councilor Sanderson

Staff Present: Aaron Prunty, City Administrator; Contract Planner, Dick Converse; and Debby Jermain, Planning Secretary

**ANNOUNCEMENTS**

The Mayor led the audience in the flag salute and made the announcements on the agenda. Mayor Anderson rearranged the agenda placing the Public Hearing before Unfinished Business and New Business Agenda Item A moved to Item C.

**PUBLIC COMMENT**

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

**CONSENT CALENDAR**

Revised Accounts Payable, \$46,341.87  
Regular Meeting Minutes of August 7, 2014

Motion to Approve the Consent Calendar.

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

**STAFF REPORTS**

**City Administrator**

City Administrator Prunty provided Council with a copy of FY 2013-2014 Budget Summary and answered questions from Council. He also noted a third Administrative Assistant was hired and she will start on September 2<sup>nd</sup>.

**Floodplain Manager – Annual FEMA Report**

City Planner, Dick Converse provided a brief summary of the latest FEMA report noting the change in requirements in which the city will report on an annual basis. Dick Converse advised the Council he will attend a FEMA training in Eugene and will take the Certified Floodplain Managers test September 12<sup>th</sup>.

**PUBLIC HEARING**

**A. Public Hearing to Consider Proposed Amendments to the City of Shady Cove Code of Ordinances Sign Regulations.**

Mayor opened the public hearing at 6:06 pm.

The public hearing to accept public testimony regarding proposed amendments to Sections 154.350 through 154.362 of the Shady Cove Code of Ordinances to resolve internal inconsistencies in the text and address court decisions regarding content neutrality. Applicant: City of Shady Cove. Planning File Number SR 14-01.

City Planner read the public hearing opening statement. Jurisdiction was not questioned and there was no conflict of interest.

City Planner Dick Converse noted the review is initiated by the City itself, the Planning Commission drafted the Ordinance through a series of workshops and then a public hearing bringing it forward to the Council on a recommendation. All property owners and businesses were notified. Main purpose of proposed amendment is to clean up some internal inconsistencies and definitions modified to be content neutral. He highlighted changes including: addressing non-conforming signs; clarity in the rules for residential signs, commercial signs, and temporary signs.

There was no proponent or opponent testimony.

The public hearing was closed at 6:16 pm. Mayor Anderson advised the first reading of the ordinance would be read at the next council meeting September 4<sup>th</sup>.

Staff answered questions from Council including reason for language removed referring to period of time between removal of temporary signs and replacement. Council wished to restore the temporary sign language referring to replacement.

Richard Gyuro, Chamber President, questioned abatement of old signs in disrepair or where business closed.

### **UNFINISHED BUSINESS**

#### **A. Mayor Anderson's Response to Charges Leveled by Councilor Hughes at the August 7 Council Meeting at Which Mayor Anderson Was Not Present**

Mayor Anderson read a statement into the record responding to a statement read by Councilor Hughes at the August 7 council meeting.

During Council discussion, Councilor Hayes raised the question of whether Council should revisit prioritizing improvement of gravel streets.

Motion to revisit Resolution 14-18 – Prioritizing and Approving Improvement of Gravel Streets on September 4, 2014 council meeting and also to discuss forming a citizen's action committee to research and obtain data necessary for the council to make an informed decision on this topic.

Motion: Councilor Hayes                      Second: Councilor Hughes  
2 ayes. 3 naves (Mayor Anderson, Councilors Ulrich & Sanderson) Motion failed.

Councilor Sanderson read an email from Councilor Hayes into the record requesting a Sheriff's Deputy to attend the August 21<sup>st</sup> council meeting.

## NEW BUSINESS

### **A. Resolution 14-19 – Ratifying the General Services Collective Bargaining Agreement and Authorizing the Mayor to Sign the Agreement.**

The City Administrator read the resolution into the record. Mayor Anderson advised this document has any negotiation of PERS off the table, reflects a 2% pay rate increase effective 7/1/2014, and is a one year contract. Councilor discussed the reason for a one year contract; cap on cost of medical benefits; cost of life insurance; percentage of cost to the city.

Motion to Approve Resolution 14-19– A Resolution of the City Council of the City of Shady Cove, Oregon Ratifying the 2014-2015 Collective Bargaining Agreement and Authorizing the Mayor to Sign the Agreement.

Motion: Councilor Sanderson                      Second: Councilor Ulrich  
3 ayes. 2 naves (Councilor Hayes and Hughes) Motion carried 3-2

### **B. FEMA Region X – Debby Jermain Training.**

The City Administrator advised the Council that FEMA is offering a course on managing floodplain development through the National Flood Insurance Program. Training is in Eugene, Oregon September 8 -11, 2014. Debby Jermain has been accepted to attend. The course is free but lodging, transportation and meals are the City's responsibility.

Motion to Approve the Request for Debby Jermain to attend the FEMA L273 Course in Eugene, Oregon.

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

### **C. First Reading of Ordinance 268 – Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax**

The City Administrator read Ordinance 268 by title only.

## PUBLIC COMMENT ON NON-AGENDA ITEMS

Steve Mitchell requested the City consider placing a population sign at the north and south end of town and if ODOT would consider removing the center divide in the middle of the city.

Richard Gyuro, President Upper Rogue Chamber, invited all to attend a candidate forum sponsored by the Chamber on October 14, 2014, at the Upper Rogue Community Center.

## COUNCIL COMMENTS

Councilor Sanderson noted the Mac's Diner is officially open in their new location. Council thanked the Planning Commission for work on the Sign Ordinance.

**ADJOURNMENT**

There being no further business before the council, the Mayor adjourned the regular meeting at 7:24 p.m.

Approved:

Attest:

\_\_\_\_\_  
Tom Anderson  
Mayor

\_\_\_\_\_  
Aaron Prunty  
City Administrator

**Council Vote:**

Mayor Anderson \_\_\_\_\_  
Councilor Ulrich \_\_\_\_\_  
Councilor Hayes \_\_\_\_\_  
Councilor Hughes \_\_\_\_\_  
Councilor Sanderson \_\_\_\_\_

City of Shady Cove

Ordinance No. 268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON ESTABLISHING SHADY COVE MUNICIPAL CODE CHAPTER 116 – MARIJUANA AND MARIJUANA-INFUSED PRODUCT TAX

Recitals:

A. Section 4 of the City of Shady Cove Charter provides:

Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of the state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

B. The City desires to tax the sale or transfer of marijuana and marijuana-infused products within the City.

The council of the City of Shady Cove ordains as follows:

**SECTION 1.** The following language is hereby designated as a new Chapter 116, and added to Title XI: Business Regulations of the Shady Cove Municipal Code:

**CHAPTER 116 MARIJUANA AND MARIJUANA INFUSED PRODUCT TAX**

Sections:

116.010 Purpose

116.020 Definitions

116.030 Levy of Tax

116.040 Deductions

116.050 Seller Responsible for Payment of Tax

116.060 Penalties and Interest

116.070 Failure to Report and Remit Tax – Determination of Tax

116.080 Appeal

116.090 Refunds

116.100 Actions to Collect

116.110 Confidentiality

116.120 Audit of Books, Records or Persons

116.130 Penalties

116.140 Forms and Regulations

116.010 Purpose.

For the purposes of this Chapter, every person who sells marijuana, medical marijuana or marijuana-infused products in the City of Shady Cove is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

116.020 Definitions.

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

1. "City Administrator" means the City Administrator of the City of Shady Cove or his/her designee.
2. "Gross Taxable Sales" means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.
3. "Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
4. "Marijuana Infused Products" means products infused with usable marijuana that is intended for use, ingestion or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.
5. "Medical use of marijuana" means the production, possession, delivery, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.
6. "Oregon Medical Marijuana Program" means the office within the Oregon Health Authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, ORS 475.300 through 475.346, and all policies and procedures pertaining thereto.
7. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
8. "Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana or marijuana infused products within the City.
9. "Purchaser" means any person who acquires marijuana from a seller for any valuable consideration.
10. "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating

medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

**11.** "Retail sale" means the transfer of goods or services in exchange for any valuable consideration.

**12.** "Seller" means any person who is required to be licensed or registered or has been licensed or registered by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

**13.** "Tax" means either the tax payable by the purchaser or the aggregate amount of taxes a seller is required to remit during the period for which the seller is required to report collections under this chapter.

**14.** "Taxpayer" means any person obligated to account to the City Administrator for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

#### 116.030 Levy of Tax.

**A.** There is hereby levied and shall be paid a tax by every purchaser exercising the taxable privilege of purchasing marijuana and marijuana-infused products as defined in this chapter.

**B.** The amount of tax levied is as follows:

**1)** Five percent (5%) of the gross sale amount paid to the seller by a registry identification cardholder.

**2)** Ten percent (10%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.

**C.** The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana.

#### 116.040 Deductions.

The following deductions shall be allowed against sales received by the seller providing marijuana:

**A.** Refunds of sales actually returned to any purchaser;

**B.** Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

#### 116.050 Seller Responsible For Payment Of Tax.

**A.** Every seller shall, on or before the fifteenth (15<sup>th</sup>) day of each month make a report to the City Administrator, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. A report shall not be considered filed until it is actually received by the City Administrator.

**B.** At the time the report is filed, the full amount of the tax collected by the seller shall be remitted to the City Administrator.

**C.** Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. If the City Administrator, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the City Administrator may order such a change. The City Administrator may establish shorter reporting periods for any seller if the City Administrator deems it necessary in order to ensure collection of the tax. The City Administrator also may require additional information in the report relevant to payment of the liability. When a shorter reporting period is required, penalties and interest shall be computed according to the shorter reporting period. Reports and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City Administrator. A separate trust bank account is not required in order to comply with this provision.

**D.** For good cause, the City Administrator may extend the time for filing a report or paying the tax for not more than one month. Further extension may be granted only by the city council. A seller to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due, without proration for a fraction of a month. If a report is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 116.060.

**E.** Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.

**F.** Every seller must keep and preserve in an accounting format established by the City Administrator records of all sales made by the seller and such other books or accounts as may be required by the City Administrator. Every seller must keep and preserve for a period of three (3) years all such books, invoices and other records. The City Administrator shall have the right to inspect all such records upon request.

**116.060 Penalties And Interest.**

**A.** Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax.

**B.** Any seller who fails to remit any delinquent remittance on or before a period of 60 days following the date on which the remittance first became delinquent, shall

pay an additional delinquency penalty of fifteen percent (15%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

**C.** If the City Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs A and B of this section.

**D.** In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

**E.** Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

**F.** A seller who fails to remit the tax within the required time may petition the city council for waiver and refund of the penalty or a portion of it. The council may, if good cause is shown, direct a refund of the penalty or a portion of it. Any such hearing will be conducted under the procedures described in section 116.080.

#### 116.070 Failure To Report and Remit Tax –Determination of Tax by City Administrator.

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter or if the City Administrator questions the accuracy of a report, the City Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Administrator shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the City Administrator shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the City Administrator shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may appeal such determination as provided in section 116.080. If no appeal is filed, the City Administrator's determination is final and the amount thereby is immediately due and payable.

#### 116.080 Appeal.

**A.** Any seller aggrieved by any decision of the City Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the City Administrator within fifteen (15) days of mailing of the notice of the City Administrator's decision. The City Administrator shall fix a time and place for hearing the appeal, as prescribed by the city council, and shall give the appellant fifteen days written notice of the time and place of the hearing before the city council.

**B.** The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal fees shall be set at \$150 for each decision appealed, and may be adjusted by Resolution of the city council.

**C.** The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.

**D.** The city council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The city council shall take such action upon the appeal it sees fit.

**1)** The city council shall hear and consider any records and evidence presented bearing upon the City Administrator's determination of amount due, and make findings affirming, reversing or modifying the determination.

**2)** Informal disposition may be made of any appeal by stipulation, agreed settlement, consent order or default.

**E.** The action of the City Administrator shall be stayed pending the outcome of an appeal properly filed pursuant to this section.

**F.** Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.

**G.** The findings of the city council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due by the City Council shall be immediately due and payable upon the service of notice.

#### 116.090. Refunds.

**A.** Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph B of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Administrator within one year of the date of payment. The claim shall be on forms furnished by the City Administrator.

**1.** The City Administrator shall have 20 calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City Administrator shall notify the claimant in writing of the City Administrator's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City Administrator to be a valid claim, in a manner prescribed by the City Administrator a seller may claim a refund, or take as credit against taxes collected and remitted, the

amount overpaid, paid more than once or erroneously collected or received. The claimant shall notify the City Administrator of claimant's choice no later than 15 days following the date City Administrator mailed the determination. In the event claimant has not notified the City Administrator of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against claimant's tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to the seller at the address provided in the claim form.

**2.** No refund shall be paid under the provisions of this section unless the claimant established the right to a refund by written records showing entitlement to such refund and the City Administrator has acknowledged the validity of the claim.

116.100 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the city in the courts of this state, another state or the United States to collect the tax owing as well as penalties and interest. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, may submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees.

116.110 Confidentiality.

Except as otherwise required by law, the City shall endeavor not to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

- A.** The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
- B.** Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City Administrator or an appeal from the City Administrator for amount due the City under this chapter; or
- C.** The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
- D.** The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

116.120 Audit of Books, Records or Persons.

**A.** It shall be the duty of every seller liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years and six months, all records, books, reports, income tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the seller may have been liable for the collection of and payment to the City, which records the City Administrator shall have the right to inspect at all reasonable times as set forth below. Every seller shall maintain records of marijuana purchase and sales, accounting books and records of income. Sellers must, at a minimum, maintain a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the tax reports and be auditable. If the City Administrator finds the books and records of the seller are deficient in that they do not provide adequate support for tax reports filed, or the seller's accounting system is not auditable, it shall be the responsibility of the seller to improve its accounting system to the satisfaction of the City Administrator.

**B.** The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax reports. All books, invoices, accounts and other records shall be made available within the City limits and be available at any time during regular business hours for examination by the City Administrator or an authorized agent of the City Administrator. If any seller refuses to voluntarily furnish any of the foregoing information when requested, the City Administrator may immediately seek a subpoena from the Jackson County Circuit Court to require that the seller or a representative of the seller attend a hearing or produce any such books, accounts and records for examination.

116.130 Penalties.

**A.** It is unlawful for any seller or any other person so required to fail or refuse to furnish any report required to be made, or fail or refuse to furnish a supplementary report or other data required by the City Administrator or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.

**B.** Violation of any provision of this chapter of this code shall be punishable by the general penalty. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefor shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.

**C.** The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall

the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

116.140 Forms And Regulations.

**A.** The City Administrator is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of reports, the ascertainment, assessment and collection of said marijuana sales tax and in particular and without limiting the general language of this chapter, to provide for:

- 1) A form of report on sales and purchases to be supplied to all sellers;
- 2) The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

**SECTION 2.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 3.** Savings. Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 4.** Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

**Adopted** by the City Council of the City of Shady Cove this 4th day of September 2014.

Approved:

Attest:

\_\_\_\_\_  
Tom Anderson  
Mayor

\_\_\_\_\_  
Aaron Prunty  
City Administrator

Council vote:  
Mayor Anderson \_\_\_\_\_  
Councilor Hughes \_\_\_\_\_  
Councilor Hayes \_\_\_\_\_  
Councilor Ulrich \_\_\_\_\_  
Councilor Sanderson \_\_\_\_\_

City of Shady Cove

Ordinance No. 269

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING  
THE SIGN REGULATIONS OF THE SHADY COVE CODE OF  
ORDINANCES

**Whereas**, the City of Shady Cove determined that the sign regulations in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances contain internal inconsistencies; and

**Whereas**, Oregon courts have consistently held that sign regulations must be revised to be content neutral; and

**Whereas**, the Shady Cove Planning Commission conducted a series of properly advertised workshops and drafted amendments to the Sign Regulations, conducted a properly advertised public hearing on July 10, 2014, and deliberated on the proceedings, after which a motion was made, duly seconded, and passed by a roll call vote of 5-0 to recommend that the City Council approve amendments to the sign regulations in Chapter 154.350 through 154.362.

**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 amended sign regulations of the City of Shady Cove, Oregon.                             |
| Section 2: Description | Amended sign regulations, attached as Exhibit A, identifying the revisions approved by the City Council.                     |
| Section 3: Amendment   | The sign regulations contained in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances Plan Map are amended. |
| Section 4:             | The City Council adopts as its own, and incorporates by reference, the Planning Commission findings attached as Exhibit B.   |

**PASSED AND APPROVED** by the City Council of the City of Shady Cove this \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

Attest:

\_\_\_\_\_  
Tom Anderson  
Mayor

\_\_\_\_\_  
Aaron Prunty  
City Administrator

**Council Vote:**

Mayor Anderson \_\_\_\_\_  
Councilor Hughes \_\_\_\_\_  
Councilor Hayes \_\_\_\_\_  
Councilor Ulrich \_\_\_\_\_  
Councilor Sanderson \_\_\_\_\_

## **SIGN REGULATIONS**

### **§ 154.350 PURPOSE AND INTENT.**

This section recognizes the important function of signs in the community and establishes regulations intended to protect the public from damage or injury caused by or attributable to distractions and obstructions caused by improperly designed, installed, or located signs. The regulations attempt to improve the appearance of the city, minimize visual clutter, and comply with ODOT standards for National Scenic Byways, while giving businesses an opportunity to attract and inform customers.

(Ord. 225, passed 10-20-1994, § 29.1)

### **§ 154.351 APPLICATION.**

Unless otherwise exempt under Section 154.354, anyone proposing new signs shall be required to make application and pay a permit fee as established by a resolution of the City Council.

(Ord. 225, passed 10-20-1994, § 29.1)

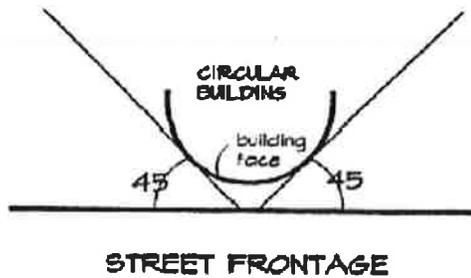
### **§ 154.352 DEFINITIONS.**

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

**ALTERATION.** Any change excluding content, and including, but not limited to, the size, shape, method of illuminations, position, locations, materials, construction, or supporting structure of a sign.

**AWNING.** A shelter projecting from and supported entirely from the exterior wall of a building and constructed of rigid or non-rigid materials on a supporting framework.

**BUILDING FACE OR WALL.** All window and wall area of a building in one plane or elevation. In the case of a round or curved building, the "front" face or wall shall be determined as the portion that lies between the two 45-degree tangents from the street frontage, as illustrated below:



***BUILDING FRONTAGE.*** The exterior wall surfaces of a building that directly or most directly face a specific direction, usually a street, but in some cases a parking lot. The width of the property line that fronts a particular street is considered that property's frontage. In some cases, such as a corner lot, a property may have more than one ***FRONTAGE.***

***BUILDING OFFICIAL.*** The officer or other person charged with the enforcement of this code or his or her duly authorized deputy or assistant. The administration of this code is the responsibility of the City Administrator.

***BULLETIN BOARD.*** A permanent sign intended to accommodate changeable copy, such as private or public notices, special event information, and other short-term messages, and is generally at a scale suitable for pedestrians and not intended to be read by passing motorists. (Also, see ***KIOSK.***)

***CANOPY.*** A non-movable awning or roof-like structure attached to a building.

***CHANGEABLE COPY OR READER-BOARD SIGN.*** A sign structure that is often internally or externally illuminated and intended to accommodate changeable lettering, numbering, graphic displays or other short-term messages. Often used for commercial messages and for information pertaining to current or coming events of general interest.

***CITY ADMINISTRATOR.*** The City Administrator for the City of Shady Cove or the City Administrator's designee.

***CUT-OUT SIGN.*** Any visual or graphic display in the form of figures, letters, numbers or other characters or representatives in cut-out or irregular forms. The signs may be free-standing or attached to a building or other structure.

***DIRECTIONAL SIGN.*** A permanent sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle or other traffic, or individuals, toward a specific destination or route.

***ELECTRIC SIGN.*** Any sign containing electrical wiring or requiring electricity for its function or illumination.

**ELECTRONIC MESSAGE SIGN.** Any sign whose message or display is presented with patterns of lights which may be changed intermittently by an electronic process.

**FASCIA SIGN.** See **WALL SIGN.**

**FLASHING SIGN.** Any sign which incorporates intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes color or intensity or illumination. Examples include electric or electronic time, date and temperature signs and other electronic message signs.

**FREE-STANDING SIGN.** A sign that is supported by columns, uprights or braces in or upon the ground and not attached to any building.

**GRADE.** The level of the surface of the ground, whether or not paved, that lies immediately below a sign or proposed sign location. When a slope is involved, the grade shall be the average of the levels at each supporting member of the sign's structure.

**GROUND SIGN.** See **FREE-STANDING SIGN.**

**IDENTIFICATION SIGN.** A sign intended solely to inform the public of the particular use of a property, building, office and the like and which may include the address, suite number or other identifying information, but that typically does not include other advertising or messages not related to the identification of the premises.

**ILLEGAL SIGN.** Any sign which was erected or altered in violation of the city's sign regulations that were in effect at the time of the action. (Also, see **NONCONFORMING SIGN.**)

**ILLUMINATED SIGN.** Any sign which utilizes a source of light, either internally or externally

- **DIRECT ILLUMINATION.** A source of illumination on the surface of the sign or from within a translucent sign.
- **INDIRECT ILLUMINATION.** A source of light that is either attached to the sign structure or located nearby, and that is directed toward the sign to illuminate its exterior surface.

**INCIDENTAL SIGN.** A sign intended primarily for the convenience and direction of the public, which is informational only, and which does not include the advertising of products or services. These signs may include business hours signs, credit card signs, entrance and exit signs, and other signs that may be required by law

**KIOSK.** A free-standing structure having areas designed for the placement or attachment of personal or public notices, advertisements or other messages. It may function much like a "bulletin board" for messages of a short-term nature and often include identification of the business on whose property it is located.

**MAINTAIN.** To allow to exist or continue to exist. Also, where the context indicates, means to keep in a safe, neat and clean condition.

**MARQUEE.** A permanent roofed structure attached to and supported by a building and projecting away from the building, usually over a public walkway and common to theaters.

**MOVING OR ANIMATED SIGN.** Any sign that includes action or motion, including flashing lights, color changes, revolving or waving actions, but not including, wind actuated elements, such as flags, pennants, or banners. These signs do not include public service signs such as time, date, temperature signs.

**MULTIPLE-COPY SIGNS.** Any sign structure that contains identification of or information about more than one business or other land use or which contains more than one type of message.

**NONCONFORMING SIGN.** Unlike an "illegal sign", a nonconforming sign was legally established but no longer conforms to the current standards or requirements of this subchapter.

**PAINTED SIGN.** A sign which is painted directly onto the surface of a building or other structure that was not specifically designed as a sign structure.

**PORTABLE, FREE-STANDING SIGN.** Any free-standing sign which is not permanently fixed on the site by either attachment to a fixed structure or embedded into the ground, and which can be readily moved. Sandwich board or "A"-frame signs are typical of this type.

**PROJECTING SIGN.** Any sign which is attached to a structure or building face and

- A) Extends outward from that structure or building for a distance greater than 16 inches or;
- B) Has a face which is not parallel to the face of the building or structure and extends beyond the face of the building for any distance.

**READER BOARD.** See **CHANGEABLE COPY.**

**ROOF SIGN.** A sign erected upon or above the roof or parapet wall structure of a building and which is wholly or partially supported by the building.

**SANDWICH BOARD SIGN.** See **PORTABLE, FREE-STANDING SIGN.**

**SHOPPING CENTER/BUSINESS COMPLEX SIGN.** A single sign structure intended for the placement of two or more identification signs related to businesses services, or primary goods offered in the center or business complex.

**SIGN.** Any words, number, logos, flags, banners or other material that are placed or constructed primarily to convey a message, and which is visible from public or private streets or other property.

**SIGN STRUCTURE.** Any structure specifically intended to support a sign or which may also be a part of the sign. May include supports, uprights, braces, framework and other members that may be needed to support the sign and keep it in place.

**TEMPORARY SIGN.** A sign that is not permanently affixed and which is intended for a short-term use, such as to advertise an activity, such as a special promotion, sale, fund-raising activity, special event or for use until a permanent sign can be erected. **TEMPORARY SIGNS** typically include devices such as banners, flags, pennants, searchlights, balloons and the like.

**UNDER MARQUEE SIGN.** A sign attached to the underside of a marquee or canopy and protruding over a public or private pedestrian walkway. Often used in shopping centers and areas having covered sidewalks.

**WALL GRAPHICS.** Any mosaic, mural or painting, or graphic art technique or combination of same, implanted, applied or otherwise placed directly onto a wall or fence and containing no copy, advertising symbols, logos, trademarks or other references to any product, service, goods, persons, places or issues. These are generally considered to be "art" and not signs and as such, are not subject to the regulations included in this subchapter.

**WALL SIGN.** A sign attached directly to or erected against the wall of a building with the face in a parallel plane to the building wall and extending no more than 12 inches from the wall.

**WIND SIGN OR DEVICE.** Any sign or device that is intended to serve the function of a sign, in attracting attention to a particular site, business or premise, and which because of its design or materials is caused to flutter, wave, revolve, sparkle or otherwise move as a result of the pressures of a wind or breeze including inflatable air dancers, tube dancers, fan dancers.

**WINDOW SIGN(S).** Are those which are painted, displayed or placed on the interior of the window or glass door.

(Ord. 225, passed 10-20-1994, § 29.2)

#### ☐ § 154.353 CONFORMANCE.

- (A) No sign may be erected unless it conforms to the provisions of this subchapter.
- (B) Sign permits shall be obtained prior to the erection of any sign, unless exempt.

(Ord. 225, passed 10-20-1994, § 29.3) Penalty, see § 154.999

### **§ 154.354 EXEMPTIONS FROM PERMIT REQUIREMENTS.**

The following signs do not require permits or fees, but may be subject to other provisions of this chapter or International Building Code:

- (A) Traffic signs, signals and other traffic-control devices erected by the city or other public authority;
- (B) Public notices pertaining to public health or safety issues, erected by the city or approved by the city;
- (C) Permanent plaques, cornerstones, name plates and other building identification markings attached to or carved into the building materials and which are an integral part of the structure;
- (D) Address numbers;
- (E) Signs located within a building, with the exception of strobe lights and moving or animated signs that are visible from any private or public roadway, or from adjacent properties;
- (F) Legal nonconforming signs, except that the signs shall conform to this subchapter if they are altered or replaced or upon the change of occupancy type of the business;
- (G) Flags on permanent flag poles designed for the routine raising and lowering of flags;
- (H) Wall graphics, as defined; and
- (I) Temporary signs, subject to Section 154.358(C).

(Ord. 225, passed 10-20-1994, § 29.4)

### **§ 154.355 PROHIBITED SIGNS.**

The following signs are prohibited within the city limits and shall be removed:

- (A) Strobe lights and signs containing strobe lights or any other flashing, blinking or moving lights which are visible beyond any property line;
- (B) Signs placed on trailers and parked with the primary purpose of providing a sign that is not otherwise allowed;

(C) Any private sign placed within a public right-of-way or overhanging a public right-of-way;

(D) Any sign that is determined by the City Administrator to be a hazard to public safety due to its design, materials, physical conditions or placement; and

(E) Signs painted on or otherwise attached to trees, natural rocks or other landscape or natural features.

(Ord. 225, passed 10-20-1994, § 29.5) Penalty, see § 154.999

**§ 154.356 SIGN MEASUREMENTS.**

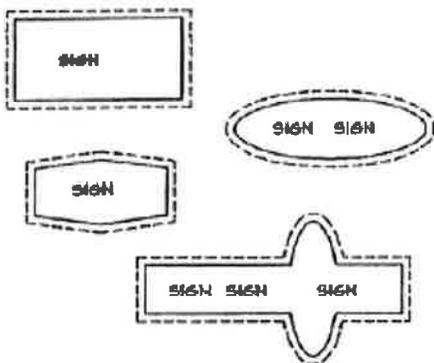
(A) The area of sign faces shall include the entire sign area, including any surrounding frames or cabinet edges.

(B) Sign area does not include supports, foundations or structures that are not part of the sign.

(C) Only one side of a double-faced sign is counted in the total area.

(D) When signs are constructed of individual letters or other pieces attached to a wall or other flat surface, the sign area is determined by a perimeter line drawn around and containing all the pieces.

(E) Multiple-copy signs or shopping center signs consisting of several individual signs on the same support structure (as illustrated below) are calculated as the total of all individual sign components.



(F) A round or cylindrical sign is calculated as the total area that can be seen at one time from one position.

(G) The height of signs is measured from "grade", as defined, to the highest point of the sign or sign frame.

(H) Sign clearances are measured from "grade" directly below the subject sign to the bottom of the sign or sign frame.

(I) Corner signs shall be assigned to one of the frontages by the applicant and shall conform to the requirements for that frontage only.

(Ord. 225, passed 10-20-1994, § 29.6)

#### **§ 154.357 NONCONFORMING SIGNS.**

Legally established signs that no longer conform to city sign regulations are permitted to remain, subject to the following.

(A) Except as provided in subsection C of this section, maintenance, repairs and the changing of sign faces are permitted; provided, structural alterations are not made and the sign face is not enlarged.

(B) Except as provided in subsection C of this section, any sign in service as of the date of the passage of this Ordinance is allowed to remain, as long as it complied with the Ordinances in existence at the time the sign permit was issued. A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(C) Any temporary sign that is nonconforming shall be removed immediately.

(Ord. 225, passed 10-20-1994, § 29.7)

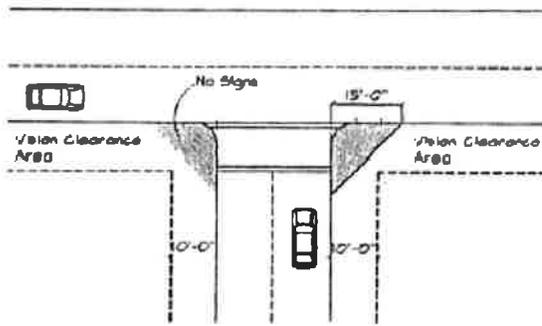
#### **§ 154.358 SPECIFIC SIGN DEVELOPMENT STANDARDS.**

(A) *Placement requirements for all signs.*

(1) With the exception of public authority and other traffic-related signs, all signs shall be erected totally within the boundaries of the site.

(2) Vision clearance areas shall be maintained at all intersections of private or public roadways, alleys and driveways, to prohibit the placement of any sign within 15 feet of the intersections.

(3) A vision clearance setback shall be maintained a distance of at least ten feet from the edge of any existing road or from the proposed edge of a planned road.



(4) A vehicle clearance vertical distance of 14 feet from grade to the lowest part of the sign is required for any sign extending over any area in which motor vehicles travel or park, including driveways, parking lots and loading areas.

(B) *Additional placement requirements for permanent signs.*

(1) A pedestrian clearance vertical distance of eight feet from grade or sidewalk surface to the lowest part of the sign is required for any sign extending over walkways or sidewalks, including "under marquee signs", as defined.

(2) Signs may extend into a public right-of-way only when over a sidewalk or other area not utilized by motor vehicles. The extension shall be no more than six feet beyond the property line and no lower than eight feet above grade or above the surface of the sidewalk.

(3) When roadways or public sidewalks are installed, improved or widened, the City Engineer may direct the property owner to relocate or remove an existing sign, at the owner's expense, if it is determined that the improvements to the roadway or sidewalk will result in an unsafe sign condition.

(C) *Additional placement requirements for temporary signs.*

(1) Temporary signs and their support structures shall be removed within six months of the date of erection, unless they are approved as permanent signs and installed accordingly.

(2) Temporary signs shall not be permanently attached to the ground, a building or to any other structure, although they may be attached securely to prevent theft or wind damage.

(3) In any residential district, temporary signs shall be allowed on a parcel or lot without issuance of a permit and shall not affect the amount or type of signs otherwise allowed by this chapter. These signs shall not be restricted by content, but are usually and customarily used to advertise real estate sales, political or ideological positions,

garage sales, home construction or remodeling, and similar activities. Temporary signs shall be removed within 7 days after sales, elections, or other events.

(4) Temporary signs are subject to the same setback and clearance requirements of any other sign and shall not cause a hazard to public safety or block the visibility of motorists.

(5) Wind signs or devices that flutter, wave, sparkle or otherwise move from the pressures of the wind are considered temporary signs or devices and shall be used for special purposes and not as a permanent sign device.

(6) Any temporary sign that has been removed shall not be replaced by another temporary sign of the same general type for a period of at least six months following its removal.

(Ord. 225, passed 10-20-1994, § 29.8) Penalty, see § 154.999

### **§ 154.359 COMMERCIAL DISTRICT SIGN REGULATIONS.**

The following types, numbers, sizes and features of signs are allowed in all commercial zoning districts of the city.

(A) *Free-standing signs.*

(1) Maximum height of any free-standing sign shall be 35 feet from grade to highest point on the sign or structure.

(2) One free-standing sign is permitted per site; provided, the sign can be placed at least 50 feet from the nearest previously existing free-standing sign of an adjacent business sign.

(3) The maximum sign area for any free-standing sign shall be 48 square feet. A double faced sign may have 48 square feet of sign area on each side.

(4) A shopping center or business complex sign or other sign that combines several sign allowances into a single multiple-copy sign for design or aesthetic purposes may be allowed a total sign area of 64 square feet per side in order to maximize the sign's efficiency and reduce the actual number of free-standing signs.

(5) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above the grade.

(B) *Signs attached to buildings.*

(1) If there is a free-standing sign on the site, then the maximum allowable additional sign area for that site shall be no greater than one and one-half square feet for each linear foot of business frontage.

(2) If the site has no existing free-standing sign, then the maximum allowable sign area for that site shall be no greater than two square feet for each linear foot of business frontage.

(3) Regardless of the total size of the building wall area, any sign attached or painted on to a building, shall not exceed 100 square feet of wall area on the face of any side.

(4) No sign that is attached to a building shall extend above the highest point of the building.

(5) There is no limit on the number of individual signs; provided, the above-stated limitations are maintained for square footage of sign area.

(6) Incidental signs, including directional sign, hours of operation and the like shall not be included in all sign area calculations.

(C) *Other provisions.*

(1) Signs in any commercial district may be illuminated directly, indirectly or internally; provided, the lighting is directed away from any residences or light-sensitive land uses and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted only if no part of the sign is continuously moving and the messages or other parts of the sign change no more frequently than once every 15 seconds.

(4) Wall graphics, as defined, are exempt from sign requirements.

(Ord. 225, passed 10-20-1994, § 29.9)

**§ 154.360 RESIDENTIAL DISTRICT SIGN REGULATION.**

The following types, numbers, sizes and features of signs are allowed in all residential districts of the city.

(A) *Free-standing signs.*

(1) One free-standing sign shall be permitted at each street entrance to a neighborhood, subdivision, mobile home park, apartment or condominium complex, or other homogenous residential area. The sign shall be designed specifically for that development or area and is subject to approval by the Planning Commission at the time of site plan review. The sign shall be no larger than 32 square feet of sign area and no higher than six feet from grade.

(2) Residential sites having one or two dwelling units may have one free-standing permanent sign, not to exceed a sign area of three square feet per sign.

(3) Residential sites having three or more dwelling units may have one free-standing sign per building, not to exceed a sign area of four square feet per sign.

(4) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above grade.

(B) *Signs attached to buildings.* Any of the free-standing sign limitation outlined in division (A) above may be applied to wall signs or roof signs in lieu of a free-standing sign; provided, the signs do not extend above the roofline.

(C) *Other provisions.*

(1) Special care shall be taken in residential zoning districts to direct all sign lighting away from residences and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted in residential districts only when associated with and operated and maintained by a public agency, school district or quasi-public entity such as a fraternal organization, church, senior or community multipurpose center and only when approved by the Planning Commission upon findings that a sign is necessary for the function or operation of that public or quasi-public entity and is for the general welfare of the community in general. A sign may be approved to a maximum sign area of 50 square feet.

(4) Wind signs or devices that flutter, wave, revolve, sparkle or are otherwise moved by the wind are prohibited from residential zoning districts.

(Ord. 225, passed 10-20-1994, § 29.10)

## § 154.361 VARIATIONS TO SIGN REGULATIONS.

(A) (1) With the exception of those sign types that are expressly prohibited, the Planning Commission may make minor adjustments to sign heights, numbers of signs and sign area requirements within 20% of the code requirements.

(2) Any requests of an applicant in excess of the 20% variation shall be processed in accordance with §§ 154.415 through 154.420.

(B) A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(Ord. 225, passed 10-20-1994, § 29.11) Penalty, see § 154.999

### **§ 154.362 VIOLATIONS.**

It shall be unlawful for any person to violate the standards or requirements of this subchapter and punishment for the violations shall be in accordance with that of any other chapter violation.

(Ord. 225, passed 10-20-1994, § 29.12) Penalty, see § 154.999

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 THE SIGN REGULATIONS OF ) **RECOMMENDATION**  
SECTION 154.350 THROUGH SECTION 154.362 ) **TO CITY COUNCIL**  
OF THE SHADY COVE CODE OF ORDINANCES )

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 July 10, 2014, to consider amendments to Sections 154.350 through 154.362 of the Shady Cove Code of Ordinances to resolve internal inconsistencies in the text and address court decisions regarding content neutrality. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On July 10, 2014, 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 amendments to the sign regulations in Chapter 154.350 through 154.362. The motion passed by a roll call vote of 5 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 finds that no one spoke in opposition to the proposed amendments.
- 5) The criteria used to evaluate the requested amendments to the sign regulations are contained in Section 154.438. The Planning Commission finds that the request meets the criteria.

## SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendments to the sign regulations comply with procedural requirements of the Shady Cove Code of Ordinances; resolve internal inconsistencies; and provide the content neutrality mandated by Oregon courts.

## SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of the proposed amendments to the sign regulations of Section 154.350 through Section 154.362 of the Shady Cove Code of Ordinances.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 17th day of July 2014, in Shady Cove, Oregon.

  
Paula Trudeau, Chair



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

Meeting Date: September 4, 2014

Prepared By: Shelly Dent, Administrative Assistant

Approved By: AP

Agenda Title: Approval to Attend Caselle Financial Solutions Fall Conference

Attachment List: Estimated Expenses for Lodging, Meals and Travel Costs

Issue Before the Council: Shall the City Council approve administrative assistant, Shelly Dent, to attend Caselle Conference in Phoenix, Arizona October 14-17, 2014.

Key Facts and Information Summary: Article 26.3 of the Union contract requires Council approval prior to attending classes, lectures, conferences or conventions.

Other Alternatives Considered: The Council may choose not to approve the training request.

Fiscal Notes: The cost of this training is approximately \$1,600.00. The 2014-2015 budget for training is \$16,000, of which we have spent approximately \$3500.

Goals/Policies: N/A.

Staff Recommendation: Staff recommends approval of this request.

Proposed Motion in Favor: **"I MOVE TO APPROVE THE REQUEST FOR SHELLY DENT TO ATTEND THE CASELLE FINANCIAL SOFTWARE CONFERENCE IN PHOENIX, ARIZONA."**

**Estimated Expenses for Lodging, Meals and Travel Costs:**

**Airfare:** **\$390.00**

Departure: Oct 14, 2014 Medford – Phoenix, AZ

Return: Oct 17, 2014 Phoenix, AZ – Medford

➤ *Includes baggage fee of \$25.00 each way.*

**Car Rental:** **\$200.00**

Enterprise Car Rental  
Oct 14 – Oct 17, 2014

- Compact Car

**Lodging:** **\$536.00**

Arizona Grand Resort (Conference Location)

3 nights @ 159.00/ night plus taxes

**Per Diem:** **\$88.00**

*(Per Teamsters Local Union 223 Contract Article 19)*

- Breakfast: 2 Days @ \$10.00 = \$20.00
- Lunch: 2 Days @ \$13.00 = \$26.00
- Dinner: 2 Days @ \$21.00 = \$42.00

**Conference:** **\$425.00**  
Registration Fee

**Total Estimated Lodging, Meals & Travel Costs** **\$1,639.00**



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

Meeting Date: September 4, 2014

Prepared By: Shelly Dent, Administrative Assistant

Approved By: AP

Agenda Title: Approval to Attend OMFOA Fall Conference

Attachment List: Estimated Expenses for Lodging, Meals and Travel Costs

Issue Before the Council: Shall the City Council approve administrative assistant, Shelly Dent, to attend OMFAO Fall Conference in Portland, Oregon on October 20-22, 2014.

Key Facts and Information Summary: Article 26.3 of the Union contract requires Council approval prior to attending classes, lectures, conferences or conventions.

Other Alternatives Considered: The Council may choose not to approve the training request, or to approve it on condition that a scholarship is received.

Fiscal Notes: The cost of this training is approximately \$1,237.00. The 2014-2015 budget for training is \$16,000, of which we have spent approximately \$3500. Also, OMFOA offers a scholarship that includes cost of registration, lodging and meals. If this scholarship is received, the cost of training is reduced significantly, to approximately \$200, the cost of fuel.

Goals/Policies: N/A.

Staff Recommendation: Staff recommends approval of this request.

Proposed Motion in Favor: **"I MOVE TO APPROVE THE REQUEST FOR SHELLY DENT TO ATTEND THE OMFOA FALL CONFERENCE IN PORTLAND, OREGON."**

**Estimated Expenses for Lodging, Meals and Travel Costs:**

**Lodging:** **\$587.00**

Benson Hotel (Conference Location)

3 nights @ 159.00/ night & Parking

**Per Diem:** **\$145.00**

*(Per Teamsters Local Union 223 Contract Article 19)*

- Breakfast: 3 Days @ \$10.00 = \$30.00
- Lunch: 4 Days @ \$13.00 = \$52.00
- Dinner: 3 Days @ \$21.00 = \$63.00

**Conference:** **\$305.00**  
Registration Fee

**Fuel:** **\$200.00**  
Approximate Fuel

**Total Estimated Lodging, Meals & Travel Costs** **\$1,237.00**