

**Agenda**  
Shady Cove Regular City Council Meeting  
Thursday, January 20, 2022  
6 PM

<https://us02web.zoom.us/j/85254817409?pwd=bHduUzi1VXppczJBRDY4ZjR6OU9oQT09>

Meeting ID: 852 5481 7409

Passcode: 204070

+13462487799,,85254817409#,,,,\*204070# US (Houston)

+16699006833,,85254817409#,,,,\*204070# US (San Jose)

**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 regularly scheduled meeting of the City Council will be held on February 3 at 6 PM, both in Council Chambers and via Zoom.
- 3. The next regularly scheduled meeting of the Planning Commission is January 27 at 6 PM, both in Council Chambers and via Zoom.
- 4. The next meeting of the Parks and Rec Commission is not scheduled at this time.
- 5. The next meeting of the Emergency Management Commission is not scheduled at this time.
- 6. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
- 7. These meeting dates and times are subject to change.

**II. Public Comment on Agenda Items**

**III. Consent Agenda (pgs 3-8)**

- A. Bills Paid Report 12/29/21-01/14/22, \$ 5,699.40
- B. Minutes of 010622

**IV. Items Removed from Consent Agenda**

**V. Staff Reports**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

- A. Jackson County Deputy
- B. Fire Chief Winfrey, FD4
- C. City Administrator

**VI. New Business**

**VII. Old Business**

- A. Fire Service Proclamation (pgs 9-10)
- B. Second Reading Ordinance #304, An Ordinance Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance #301.(pgs 11-22)
- C. Bench Update Placement (pgs 23-24)
- D. American Rescue Fund (pgs 25-30)

**VIII. Written Communication**

**IX. Public Comment on Non-Agenda Items**

**X. Council Comments on Non-Agenda Items**

- A. Mayor Tarvin
- B. Councilor McGregor
- C. Councilor Nuckles
- D. Councilor Evertt
- E. Councilor Murders

**Adjournment**

Report Criteria:  
 Summary report type printed

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
13	Avista Corporation	4941620000-	Natural Gas 11/18/21-12/2	12/22/2021	251.18	.00	251.18	50229	01/05/2022
Total 13:					251.18	.00	251.18		
39	Crystal Fresh	C82225	City Hall bottled water 12/2	11/30/2021	52.00	.00	52.00	50231	01/05/2022
Total 39:					52.00	.00	52.00		
43	David Christian	12202021	Radio 12/10-12/24/21	12/23/2021	90.00	.00	90.00	50232	01/05/2022
		12302021	Radio 12/27-12/31	12/30/2021	90.00	.00	90.00	50232	01/05/2022
Total 43:					180.00	.00	180.00		
114	Pacific Power	12/28/21 NO	Nork Lane 11/23-12/27/202	12/28/2021	347.07	.00	347.07	Multiple	01/05/2022
		12-27-21 AU	Aunt Carolines 11/22-12/23	12/27/2021	29.37	.00	29.37	Multiple	01/05/2022
		12-28-21 - S	Street lights 12/28/2021	12/28/2021	640.94	.00	640.94	Multiple	01/05/2022
		12-28-21 CIT	City Hall 11/23-12/27/21	12/28/2021	214.26	.00	214.26	Multiple	01/05/2022
Total 114:					1,231.64	.00	1,231.64		
119	Perfection Cleaning	327939	City Hall office cleaning 12/	12/31/2021	300.00	.00	300.00	50236	01/05/2022
Total 119:					300.00	.00	300.00		
122	Pitney Bowes Purchase Po	12152021	Postage Refill	12/15/2021	604.50	.00	604.50	50237	01/05/2022
Total 122:					604.50	.00	604.50		
138	SESAC, Inc.	721109	Radio License 01.01.22-12	12/31/2021	174.00	.00	174.00	50238	01/05/2022
Total 138:					174.00	.00	174.00		
139	Shady Cove Hardware, LL	358972	Plumbing Fixtures for Aunt	12/01/2021	45.98	.00	45.98	50239	01/05/2022
Total 139:					45.98	.00	45.98		
191	Mac's Diner	VOLUNTEE	Recognition & Awards - Vol	01/05/2022	1,824.00	.00	1,824.00	50234	01/05/2022
Total 191:					1,824.00	.00	1,824.00		
255	TouchPoint Networks, LLC	INV-5220	WatchGuard T15W Firebox	01/01/2022	34.10	.00	34.10	50240	01/05/2022
Total 255:					34.10	.00	34.10		
286	City of Shady Cove - Utilitie	12/31/21 - 15	2501 Indian Creek Rd 12/2	12/31/2021	45.00	.00	45.00	50230	01/05/2022
		12/31/21-153	22451 Hwy 62 12/21	12/31/2021	46.00	.00	46.00	50230	01/05/2022
		12/31/21-230	1008 Celtic Cir 12/2021	12/31/2021	46.00	.00	46.00	50230	01/05/2022
Total 286:					137.00	.00	137.00		
430057	KNBE, LLC	2	January Shop Rent - Celtic	12/21/2021	865.00	.00	865.00	50233	01/05/2022
Total 430057:					865.00	.00	865.00		

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Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Grand Totals:					5,699.40	.00	5,699.40		

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Report Criteria:  
Summary report type printed

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City of Shady Cove  
**City Council Regular Meeting and Public Hearing Minutes**  
Thursday, January 6, 2022, 6:00 PM  
Meeting was held via Zoom with members of Council being present at City Hall.

**I. CALL TO ORDER**

Mayor Tarvin called the Regular City Council Meeting to order at 6:00 PM

Council Present: Mayor Tarvin and Councilor Evertt, Councilor Nuckles, Councilor Murders and with Councilor McGregor via Zoom

Staff Present: Thomas J. Corrigan, City Administrator

The Pledge of Allegiance was recited.

**I.C. ANNOUNCEMENTS**

The Mayor made the announcements on the agenda.

**II. PUBLIC COMMENT ON AGENDA ITEMS**

No Public Comment

**II. CONSENT AGENDA**

Items in Consent Agenda

- A. Bills Paid Report 12/10-12/28/21 \$7,674.71
- B. Minutes of 12/16/21 Meeting
- C. Budget to Actual Report

**Motion to Accept Consent Agenda:**

Motion: Councilor Evertt                      Second: Councilor Murders  
Motion Carried 5-0

Note: Numerous attempts to disrupt Zoom portion of the meeting occurred by online vulgarities. City Administrator silenced individuals.

**III. ITEMS REMOVED FROM CONSENT AGENDA**

None

**IV. STAFF REPORTS**

- A. Fire Chief Winfrey, FD4 –112 calls. 2021 had 12% in call increases. No fires. 80% of calls have been medical.
- B. Jackson County Deputy – not in attendance.
- C. City Administrator –Sand Bags available to the public. City does not plow as we do not own a plow. The lamp posts are being repaired out front of City Hall but may need to be replaced. City has been handing out additional PPE to businesses. Planning Commission has a Conditional Use Permit for a smoke shop downtown. The final rules came in for the American Rescue Fund the City received months ago. CIS training available for councilors. City will be closed Monday for Martin Luther King’s birthday.

**V. NEW BUSINESS**

None

## VI. OLD BUSINESS

- A. Discussion Regarding Regulation of General Traffic, Vehicle Parking, and Storage in the City of Shady Cove, Oregon, and Providing Penalties.  
**Motion to have a workshop concerning the need for a public parking ordinance in Shady Cove:**  
Motion: Councilor Evertt                      Second: Councilor Murders  
Motion Fails: 2-3  
Mayor Tarvin, Councilor McGregor, Councilor Nuckles voted Nay
- B. Ordinance #304, First Reading of An Ordinance Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance #301.  
Council to have a second reading at next meeting.
- C. Events Committee Description.  
**Motion to Accept Councilor Murders write-up for events committee with the edit that Trail is removed from the member designation:**  
Motion: Councilors Nuckles                      Second: Councilor McGregor  
Motion Fails: 2-3  
Mayor Tarvin, Councilor Evertt, Councilor Murders voted Nay  
**Motion to Accept the Upper Rogue Events Committee as written:**  
Motion: Mayor Tarvin                              Second: Councilor Evertt  
Motion Carried: 3-2  
Councilor McGregor and Councilor Nuckles voted Nay
- Applications will be available on website and open for 30 days.
- D. Contract Audit Bid  
**Motion to Award Contract to Isler for Auditors of Shady Cove:**  
Motion: Councilor Nuckles                      Second: Councilor Murders  
Motion Carried: 5-0

## VI. WRITTEN COMMENT

Inez Lew – In regards to parking vehicles on my property, let's not forget we live in the country. Let's not make it a big city. I can see removing unsightly and un-working vehicles but not vehicles that let us enjoy country life.

Suzanne Steffy – Opposed to Parking the parking ordinance 296 that is on the agenda. I am upset that it was snuck in without proper notifications to residences. To deny residents to park their work vehicles and equipment on their property is egregious. There is enough theft in Shady Cove that it should be on the agenda.

Edwin Mayer – Oregon has designated January 27<sup>th</sup> as Fire Service Appreciation Day. I suggest that the City recognize January 27<sup>th</sup> for all the men and women who work and volunteer with Fire District 4 for their vitally important work.

## VII. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sandra Barber – Interest in the promotion of Shady Cove, would like to propose a Shady Cove Calendar and would like to ask Council for their participation.

Julia Barnes – City could add events that are happening in the City to the calendar. Propose the City share the cost with the Community Center for an electronic gate.

Terry Weirs – As of January 6<sup>th</sup> 2022, Councilor McGregor has no finalization on electrical, mechanical or structural permit according to Jackson County Building and no Certificate of occupancy has been given. I ask that the Council look into these facts. The City Attorney has already ruled that Councilor McGregor is a resident and can serve.

City Administrator told the audience once again that masks must be worn while at City Hall and be worn correctly or they would be asked to leave.

## VIII. COUNCIL COMMENTS ON NON AGENDA ITEMS

- A. Councilor McGregor – No longer will be representing the City as of February at the RVACT meetings. In regards to Fire Service Appreciation Day, questioned what the City could do to further the development of this appreciation day.
- B. Councilor Murders – No comment
- C. Councilor Nuckles – Omicron variant so rampant encourage people to stay safe.
- D. Councilor Evertt – Thank you people for coming tonight.
- E. Mayor Tarvin – URCC had a holiday decorating contest. It turned out wonderful. The winners were Southern Oregon Wilderness won first place, Little Monkeys won popular Vote. Fishin' Hole, Picnic Basket Deli were the runner up for popular vote. Valentine's decorating contest happening now. According to LOC all City Councilors are now mandatory abuse reporters. Volunteer Appreciation Dinner is Saturday. River is moving fast and is high, please be careful. Council needs to start thinking about the American Rescue Funds. Would like to open up applications for Budget Committee for 30 days.

## IX. ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the meeting at 7:35 PM.

Approved:

Attest:

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Shari Tarvin  
Mayor

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Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin

Councilor McGregor

Councilor Nuckles

Councilor Evertt

Councilor Murders

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**JANUARY 27**  
**FIRE SERVICE APPRECIATION DAY**



**THANK YOU!**

**City of Shady Cove**

**PROCLAMATION**

**Fire Service Appreciation Day – January 27, 2022**

**Whereas**, in 2007, the State of Oregon Legislature passed the House Joint Resolution #25, establishing January 27 of each year as FIRE SERVICE APPRECIATION DAY; and,

**Whereas**, Oregon’s firefighters are vital to our public safety, and work tirelessly to protect lives and property through fire response, medical emergencies, fire prevention and code enforcement; and,

**Whereas**, firefighters are specially trained to assist in many other situations, including vehicle collisions, utility emergencies, rescues involving specialized equipment, hazardous material incidents, water rescues, and other non-fire emergencies; and,

**Whereas**, to keep our communities safe, firefighters also offer safety education and prevention strategies to the general public; and,

**Whereas**, despite the risks associated with their job, firefighters work around the clock to ensure the safety and wellbeing of our citizens; now,

**THEREFORE, the Mayor and City Council of the City of Shady Cove, Oregon do hereby proclaim January 27, 2022 as FIRE SERVICE APPRECIATION DAY.**

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**Shari Tarvin, Mayor**

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**January 20, 2022**

City of Shady Cove

Ordinance No. 304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE  
DEFINING NUISANCES AND OFFENSES AND PROVIDING FOR  
ABATEMENT PROCEDURES AND PENALTIES. AND REPEALING  
ORDINANCE # 301.

**Whereas**, The City Council of the City of Shady Cove desires to consolidate and update the Nuisances and Offenses Ordinances into one Ordinance; and

**Whereas**, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Ordinances adopted over 10 years ago.

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

SECTION 1: Definitions

A. For the purpose of this Ordinance, the following mean:

**Abatement.** The process of eliminating a condition that adversely affects the health and safety.

**Animal husbandry:** The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, except as approved as a Conditional Use Permit, defined in the City's Zoning Ordinance.

**Camping.** No person shall camp in or on public property that is not specifically designated for such purpose. Camping shall include staying for all or part of a night in the open or in temporary lodging, such as cars, tents, campers, trailers or motor homes.

**Curfew:** No person under the age of 18 shall idle, wander, stroll, or play in or upon the public streets, sidewalks, parks, playgrounds or other unsupervised places, between the hours of 10:00 PM and 4:00 AM unless:

1. The person is accompanied by a parent or legal guardian.
2. The person is engaged in a lawful activity which requires the person's presence after the hours noted above.
3. The person is emancipated pursuant to ORS 419.B.550 to 419B.558.

**Dangerous buildings.** Buildings in such a condition to affect public health, safety and/or welfare including but not limited to:

1. a structure that, for lack of proper repairs, or because of age and dilapidated condition, or of poorly installed or defection wiring, plumbing, gas, or other utilities, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life;
2. a structure containing combustible or explosive material or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life;
3. a structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease;
4. a structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

**Discharge of Weapons.** The firing, discharging or use of a gun, weapon, slingshot, crossbow, bow and arrow, or weapon, by any person other than a peace officer, or person(s) designated by a police officer, that propels a projectile by force of pressurized air or gas or gun powder or other explosive, jet or rocket propulsion with the City.

**Dog Control.** The owner or keeper of a dog shall not allow the dog to become a public nuisance. A dog is a nuisance if it:

1. Is not on the premises of its owner or keeper, if not on a leash.
2. Bites, injures or causes injury to a person.
3. Chases or threatens vehicles or persons.
4. Damages or destroys property other than that of its owner or keeper.
5. Scatters garbage.

6. Trespasses onto private property.
7. Disturbs other persons by frequent or prolonged barking or other noises
8. Is rabid.
9. Obstructs the reasonable use of public or private property.

**Drinking in Public Places.**

- A. No person shall drink or consume alcoholic liquor in or on a motor vehicle, public sidewalk, street, alley, mall, parking lot or structure, school property or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission.
- B. This shall not prohibit the consumption of alcoholic liquor in the above listed public places during special events for which the operators(s) have obtained a special permit from the City and have obtained a special permit from the Oregon Liquor Control Commission.

**Exotic animals.** The keeping or raising of wild or exotic animals including, but not limited to lions, tigers, other big cats, deer, bear, antelope, wolves, snakes, buffalo, alligators, wild reptiles, dangerous animals or insects.

**Illegal Lodging.** No person shall lodge in, or occupy a car, outbuilding or other place not intended for that purpose.

**Lodging in Recreational Vehicles.**

- A. The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks, or other areas that are specifically designated for such vehicles.
  1. No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.
  2. No person having ownership, or other responsibility for property in Shady Cove, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for such use by the Shady Cove City Council.

3. A recreational vehicle may be parked on private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year, provided the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the Shady Cove City Council.
4. Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.
5. A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the City for short-term recreational vehicle use.

**Noxious vegetation.** The presence of vegetation on property outside of the Riparian Zone or in the right-of-way of a street, alley, or sidewalk abutting the property, anytime during the year including:

1. Weeds or grass more than 10 inches high.
2. Blackberry bushes that extend into a public thoroughfare or across a property line.
3. Poison oak or ivy.
4. Vegetation that is a health hazard, a fire hazard or other hazard because it is near other combustibles, or a traffic hazard because it impairs the view of the public thoroughfare or otherwise makes use of the thoroughfare hazardous for pedestrians and/or vehicles.
5. Vegetation within defined Riparian Zones will be maintained per the Riparian Ordinance.

**Nuisances and Offenses.** Conditions that adversely affect public health, safety or welfare.

**Person:** A natural person, firm, partnership, association or corporation, whether acting as an individual for themselves, or as the clerk, servant, employee or agent of another.

**Person in charge of property:** An owner, agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

**Person responsible:** The owner or the person in charge of the property.

**Public Indecency.** An act of urination or defecation, except in toilets provided for that purpose.

**Temporary Signs:** Temporary signs include, but are not limited to election, campaign, and yard/garage sale signs.

**Unenumerated nuisances and offenses.** Nuisances and offenses not specifically enumerated in this Ordinance including a substance or act that is determined to be injurious to public health, safety, or welfare.

**Unnecessary Noise.** Any unreasonably frequent and prolonged noise which interferes with the health and /or public welfare, including, but not limited to:

1. The keeping of any bird or animal which, by causing frequent or prolonged continuous noise, shall disturb the comfort and repose of any person in the vicinity.
2. The use of a vehicle engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
3. The sounding of a horn or signaling device on a vehicle on a street, or public or private place, except as necessary warning of danger.
4. The use of mechanical devices operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.
5. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle.
6. Noise from construction activities including erection, excavation, demolition, alteration, repair between 6:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of the public welfare and safety as determined by the City.

7. The owner of a property may conduct such activities on property occupied by the owner between the hours of 7:00 a.m. and 9:00 p.m. providing such activity does not unnecessarily affect the public health, safety and/or welfare.
8. The creation of excessive noise on a street adjacent to a school, institution of learning, church or court of justice while same are in use, or adjacent to a hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which unduly disturbs or annoys patients, and clients.
9. The discharge of the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
10. The use or operation of an automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device as to disturb person in the vicinity thereof or in such a manner as renders the use thereof a nuisance. Upon application to the City, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a public event, festival or outstanding event of a noncommercial nature. The amplification shall not be audible at a distance of more than 1,000 feet from the source of amplification, and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result.
11. The conducting, operating or maintaining of a garage within 100 feet of a residential unit in such a manner as to cause loud or disturbing noises between the hours of 9:00 p.m. and 7:00 a.m.
12. The making of a noise by crying, calling or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or inviting patronage of a person to a business.

## SECTION 2: Nuisances Declared

- A. The following conditions are declared to be nuisances affecting public health and are therefore not allowed.



1. Accumulation of debris, rubbish, manure and other refuse that are not removed within a reasonable time.
2. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
3. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste or other substance placed in or near the water in a manner that will cause harmful material to pollute the water.
4. Decayed or unwholesome food offered for human consumption.
5. Liquid waste drained from private premises.
6. Mastics, oil, grease or petroleum products allowed to be introduced in the sewer system by a user.
7. Animal carcasses on streets or private or public property.
8. Animals or birds maintained, kept or housed in such a number to create offensive odors or noise.
9. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.
10. The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, and roosters except as approved as a Conditional Use Permit, defined in the City's Zoning Ordinance. This does not include chickens kept in a non-commercial manner.

B. The following conditions are declared to be nuisances affecting public safety.

1. Woodpiles, wood, lumber, rocks, bricks, blocks or metal within the streets, alleys or sidewalks for a period of time longer than 24 hours of placement of such material without first obtaining a permit from the City.
2. A container with a compartment of more than one cubic foot of capacity with a door or lid that locks or fastens automatically when closed that cannot be easily opened from the inside, maintained, or left, in a place accessible to children
3. A well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches or more uncovered, not fenced or without a suitable protective construction.

4. Unguarded machinery, equipment or other devices placed or stored in a manner to be appealing, dangerous and accessible to children.
5. Lumber, logs or piling placed or stored in a manner to be appealing, dangerous and accessible to children.
6. Noxious vegetation.
7. The presence of combustible materials stored in such a manner as to constitute a fire hazard.
8. Dumping on public or private property of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would likely injure a person, animal or vehicle traveling on a public way.
9. Trees, bushes or shrubs on property abutting a street, alley or sidewalk that interfere with vehicle or pedestrian traffic.
  - a. The person in charge of the property shall keep all trees, bushes or shrubs on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least 8 feet above the sidewalk, and at least 14 feet above the roadway, public right-of-way, or parking area.
10. Snow, ice or rain water which adversely affects the safety of users and which falls from the building or structure onto a street or public walkway or right-of-way or is allowed to remain thereon.
  - a. The person in charge of the property shall install and maintain in a proper state of repair, adequate drainpipes or drainage systems so that the overflow water accumulating on the roof or about the building is not carried across or on the sidewalk or other property. City of Shady Cove

C. The following conditions are declared to be nuisances affecting public welfare.

1. Operation of an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
2. Accumulation of any old or scrap copper, brass, pipe, rope, wire, rags, batteries, paper, plastic, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined appliances,

motor vehicles or other vehicles or appliances, motor vehicle or other vehicles parts, iron, steel, or other old or scrap ferrous or nonferrous material, metal or nonmetal materials on private property within the sight of the public.

- D. Unnecessary noise is declared to be a nuisance which affects public health, safety and/or welfare.

### SECTION 3: Nuisances and offenses Prohibited.

- A. No person, person in charge of, or person responsible for a parcel of real property shall allow or permit a nuisance or offense to occur on that parcel as defined in this Ordinance.

### SECTION 4: Complaint.

- A. Any person who believes a violation of this Ordinance exists may file a complaint with the City. The City of Shady Cove will investigate and make a determination for complaints of violation, including complaints involving fire hazards and noxious vegetation. A citizen may sign a citation if that individual is willing to testify and present evidence to nuisances and offenses which are not witnessed by an individual with police powers.

### SECTION 5: Abatement Notice.

- A. When a nuisance or offense is determined to exist, the City will place a notice on the premises in question directing the offending party to abate the nuisance or offense. If the occupant is not the property owner or person in charge of the property, a copy of the notice will be provided to such individual as well as to the property owner, either in person or by certified mail, at the property owner's last known address.
- B. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person or failure of the owner to pick up his or her mail will not make the notice void, and in such case the posted notice will be sufficient. The abatement notice will include:
  - 1. The address or other description of the real property involved.
  - 2. A description of the nuisance or offense.
  - 3. A demand that the nuisance or offense be abated within 14 days or such other period of time as the City of Shady Cove may determine to be appropriate.
  - 4. Notice that failure to comply may result in the City abating the nuisance or offense at the offending party's expense.
  - 5. Notice that the offending party has 10 days to file an appeal of the abatement notice, in writing, with the City.

SECTION 6. Abatement by Owner.

- A. The owner, or person in charge of the property, will remove the nuisance or offense in accordance with the abatement notice, or show that no nuisance or offense exists.

SECTION 7. Abatement by the City.

- A. If the nuisance or offense is not abated within the time allowed, the City may authorize abatement by whatever means are appropriate. This action may be enforced by a law enforcement officer. Necessary personnel will have the right, at reasonable times, to enter into, or upon, the involved property.
- B. The City will keep an accurate record of the expenses incurred by the City for abatement costs and will add, separately noted, a charge of 25 percent of the expenses for administrative overhead.

SECTION 8. Summary Abatement.

- A. Where an immediate threat to life or property exists, any law enforcement officer, or their agent may cause the nuisance or offense to be abated without written notice.

SECTION 9. Assessment of Costs.

- A. The City will send to the responsible party and involved property owner a notice showing the total cost of abatement, including administrative overhead. The notice will also state that the total amount of the assessment is due to the City within 30 days. If the assessment is not paid on time, it will become a lien on the property, and that unpaid assessments will incur interest at the rate of 1.5 percent per month.

SECTION 10. Appeal.

- A. The owner, or person in charge protesting that no nuisance or offense exists, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined that it does exist, the owner, or other person shall, within 10 days of that determination complete the abatement.

- B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

SECTION 11. Penalties and Damages.

- A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine or not more than \$500.
- B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance. City of Shady Cove
- C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.
- D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

SECTION 12. Infraction. Neither party shall have the right to a jury trial at the trial of any infraction.

SECTION 13. Severability.

- A. Invalidity of a section or part of a section of this Ordinance will not affect the validity of remaining sections or parts of Sections.

SECTION 14. Repeal.

- A. Ordinance #271 is hereby repealed in its entirety.

**Adopted** by the City Council of the City of Shady Cove this 20th day of January, 2022.

Approved:

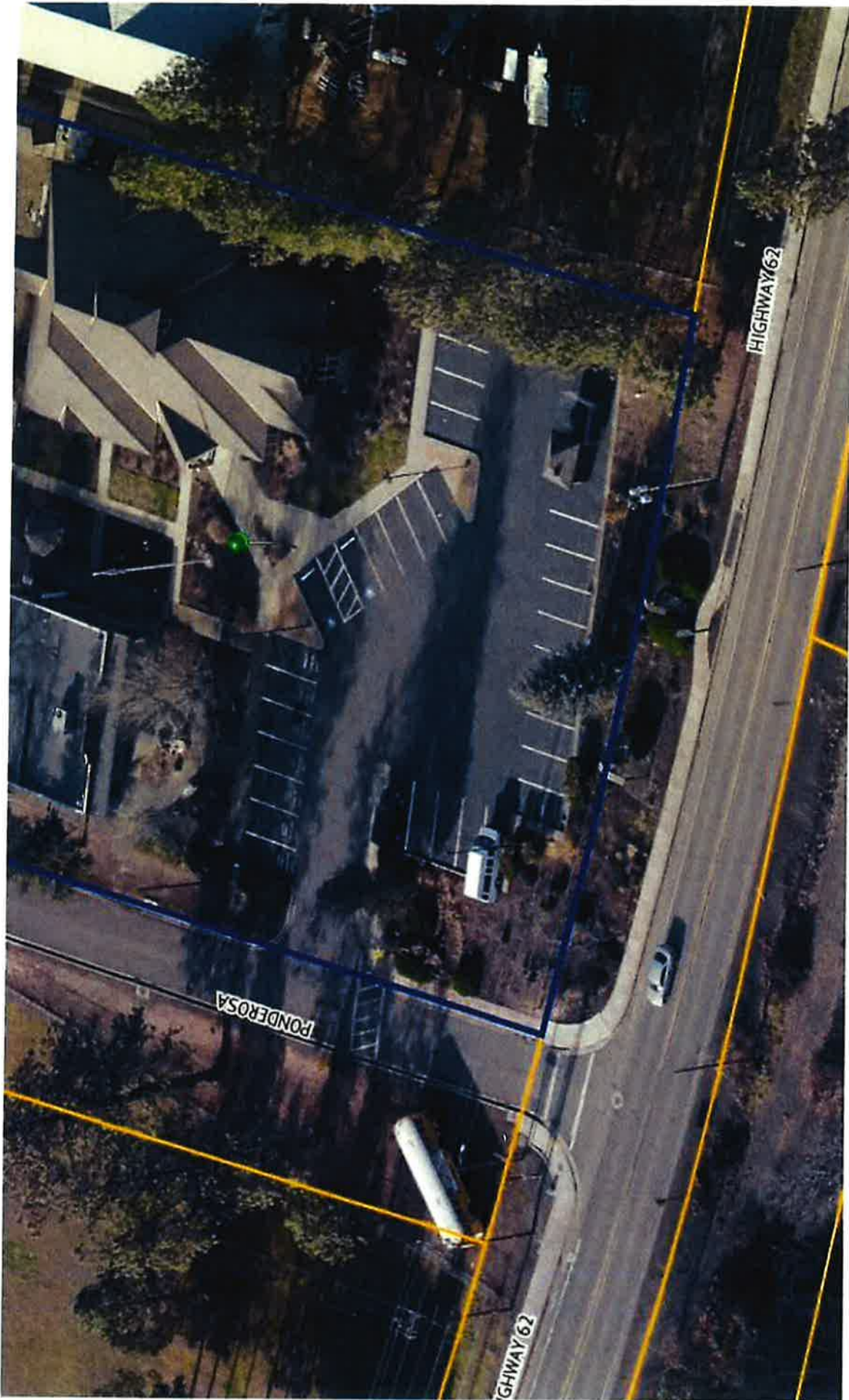
Attest:

\_\_\_\_\_  
Shari Tarvin  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin	_____
Councilor McGregor	_____
Councilor Nuckles	_____
Councilor Evertt	_____
Councilor Murders	_____







When President Joe Biden signed the American Rescue Plan Act (ARP) into law last March, it was a momentous occasion for local governments around the country. In contrast to past federal fiscal relief efforts—including the CARES Act of 2020—ARP provided a large number of cities and counties with direct, flexible support from the federal government. And the sums on offer were substantial: \$130 billion in Fiscal Recovery Funds (FRF) for cities, counties, and tribes, often amounting to significant shares of local governments' annual budget. The Treasury Department began disbursing these dollars in May, requiring larger recipients to submit initial reports by this week on how they are allocating the dollars to address the impacts of the COVID-19 pandemic, and to "build back better" for the future.

In turn, many big cities are telling Treasury: We'll get back to you on that.

That's one takeaway from our preliminary examination of plans that 20 large cities around the country have made available. These cities are slated to receive anywhere from \$142 million (Charlotte, N.C.) to \$827 million (Detroit) in flexible funds from ARP, for a combined total of \$7.4 billion—only 18% of which, we've found, has been committed so far.

### **MANY CITIES REPORT NOT YET SPENDING ANY FRF DOLLARS**

As part of Treasury's reporting requirements for ARP, cities and counties with populations of at least 250,000 had to declare the FRF amounts they had spent through July 31 across a series of eligible expenditure categories: public health, economic support to households and businesses, services to disproportionately impacted communities, premium pay for essential workers, broadband/water/sewer infrastructure, and revenue replacement.

Among the 20 city plans we examined, eight reported no expenditures at all through July. A couple others reported spending just tiny shares of their allocated funds. In total, the cities reported committing \$1.3 billion, or 18% of their combined \$7.4 billion allocation.

This is not necessarily surprising nor worrisome. Cities have received only half of their FRF dollars, with the second half scheduled to arrive in May 2022. Moreover, Treasury counseled cities to not commit all of their dollars immediately, so that they

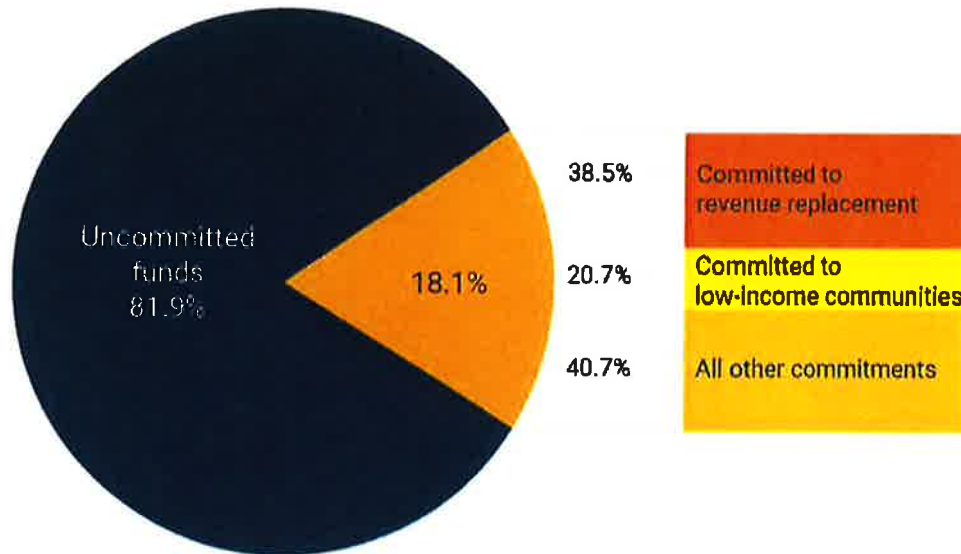
could respond to changing health and economic circumstances over the coming months.

The overall signal from many big cities seems to be that they do not feel under immediate pressure to commit and spend the first tranche of flexible federal dollars. In some cities, plans are still working their way through the legislative process. In others, as researchers from the [Nowak Metro Finance Lab note](#), a bottom-up community engagement process to inform allocations is still playing out. And many cities may be awaiting the publication of the [final Treasury FRF rule](#), so they can be sure their spending priorities meet official eligibility requirements.

### **AMONG CITIES WITH SPENDING PLANS, SOME PRIORITIES ARE EMERGING**

Across both cities that have reported early expenditures to Treasury and cities that have announced detailed spending proposals, a couple areas of emphasis (and non-emphasis) are emerging.

**Figure 1. How 20 cities report using \$1.3 billion of their available \$7.4 billion of local fiscal recovery funds**



Source: Brookings analysis of Recovery Plans submitted to Treasury by Detroit, Cleveland, St. Louis, Milwaukee, Pittsburgh, Buffalo, San Diego, Minneapolis, St. Paul, Seattle, Portland, Kansas City, Fresno, Philadelphia, Boston, Phoenix, Houston, Oakland, Denver, and Charlotte.

**B** Metropolitan Policy Program  
at BROOKINGS

Many cities are reserving a sizable portion of their FRF allocation for **revenue replacement**. The Treasury guidance permits cities to use the funds to make up their estimated revenue shortfall from the prior year attributable to the pandemic economic crisis. From there, cities have broad latitude to use those dollars to support government services. [Buffalo, N.Y.](#), [Houston](#), and [Kansas City, Mo.](#) report that they are dedicating roughly one-third of their FRF allocation to revenue replacement. [Pittsburgh](#), meanwhile, reports that it will dedicate *all* of its funds to this purpose—although the city goes on to enumerate a number of specific needs those funds will help it address. Differences in how cities are prioritizing revenue replacement may largely reflect variation in how the pandemic affected their finances, due to different local tax structures. For these cities that reported spending plans, revenue replacement represents 39% of total committed funds.

A number of cities are planning to use—or already have used—significant funds to address challenges facing low-income and other **disproportionately impacted communities**. The interim Treasury rule provides local governments with fairly wide latitude in this area. [St. Louis](#), for instance, has committed nearly \$72 million (about 16% of its total allocation) to helping such communities, including shelter and

services for the homeless, funds to prevent eviction, and programs for young people. Boston, Minneapolis, and Seattle also plan to dedicate significant FRF dollars to address affordable housing needs and combat homelessness. In Buffalo, investment in city parks—especially in low-income neighborhoods and for child-related amenities—represents one of the largest planned expenditures. Services to disproportionately impacted communities account for 21% of the \$1.3 billion the 20 cities have thus far committed. Some cities that have announced plans not yet reflected in official reports—such as Detroit, Pittsburgh, St. Paul, Minn., and Austin, Texas—are poised to make large commitments in this area too.

Other expenditure areas—including support for small businesses and impacted industries, job training, neighborhood/corridor revitalization, and direct cash/nutrition assistance to households—have received varying levels of attention and investment across published city plans. Some of these represent important priorities in cities that have announced plans but not yet reported expending dollars (e.g., Detroit, Syracuse, N.Y., and Akron, Ohio). Meanwhile, infrastructure (broadband, water, and sewer) has received notably less emphasis in initial plans, probably because cities are anticipating even more significant resources soon on offer from the infrastructure package making its way through Congress.

### **THE BOTTOM LINE: LOTS OF ROOM FOR THOUGHTFULNESS AND CREATIVITY**

Perhaps the most important takeaway from this initial scan of city recovery plans is how much room remains for city leaders to adopt thoughtful, evidence-based, equity-oriented approaches to using these substantial one-time funds.



Defined Term	Definition	Required/ Optional	List Values	Data Type	Max Length
		Optional for other Tier recipients			
Total Obligations	Total dollar value of obligations for this project.	Required	n/a	Currency	12,2
Total Expenditures	Total dollar value of expenditures for this project.	Required	n/a	Currency	12,2
Does this project include a capital expenditure?	Does this project include a capital expenditure	Required	Yes No	Picklist (see permissible values in previous column)	n/a
If yes, what is the total expected capital expenditure?	If you answered "yes" to the previous question, enter the total dollar value of the expected capital expenditure	Optional	n/a	Currency	12,2
Project Description	Brief description of the project.	Required	n/a	String	1,500
Program Income Earned	The amount of Federal program income earned.	Optional	n/a	Currency	12,2
Program Income Expended	The amount of program income that was used to cover eligible project costs.	Optional	n/a	Currency	12,2

**Expenditure Categories covered by the Project Baseline Template**

- 1.1 COVID-19 Vaccination
- 1.2 COVID-19 Testing
- 1.3 COVID-19 Contact Tracing
- 1.4 Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)
- 1.5 Personal Protective Equipment
- 1.6 Medical Expenses (including Alternative Care Facilities)
- 1.7 Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
- 1.8 Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
- 1.10 Mental Health Services
- 1.11 Substance Use Services
- 1.12 Other Public Health Services
- 2.6 Unemployment Benefits or Cash Assistance to Unemployed Workers
- 2.7 Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)



### Expenditure Categories covered by the Project Baseline Template

2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)
2.10	Aid to nonprofit organizations
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support
3.6	Healthy Childhood Environments: Child Care
3.7	Healthy Childhood Environments: Home Visiting
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System
3.9.	Healthy Childhood Environments: Other
3.10	Housing Support: Affordable Housing
3.11	Housing Support: Services for Unhoused persons
3.12	Housing Support: Other Housing Assistance
3.13	Social Determinants of Health: Other
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators
3.15	Social Determinants of Health: Lead Remediation
3.16	Social Determinants of Health: Community Violence Interventions
7.1	Administrative Expenses
7.2	Evaluation and data analysis
7.3	Transfers to Other Units of Government

#### j) Subrecipient Template

The downloadable templates provide all information required to create the upload files. The following table highlights the data elements required to complete the Subrecipient Template.

Defined Term	Definition	Required	List Values	Data Type	Max Length
Subrecipient DUNS	The DUNS unique identification number for the Subrecipient Organization.  NOTE: Sub-recipients must provide one of the following numbers: -DUNS, or -TIN, or -UEI	Optional	n/a	Numeric	9
Subrecipient DUNS (+4)	A 4-character suffix that may be assigned by a business concern and appended to its DUNS.	Optional	n/a	String	4
Subrecipient TIN	The Subrecipient's Internal Revenue Service (IRS) Taxpayer Identification Number  NOTE:	Optional	n/a	Numeric	9