

**Agenda**  
**Shady Cove Regular City Council Meeting**  
**Thursday, July 20, 2023**  
**6 PM**

<https://us02web.zoom.us/j/86205109708?pwd=TkNxeTFxLy9DWmw4WCtpSW92a2I2dz09>

Meeting ID: 862 0510 9708  
Passcode: 148434

One tap mobile  
+13462487799,,86205109708#,,, \*148434# US (Houston)  
+16694449171,,86205109708#,,, \*148434# US

**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 August 3, 2023 at 6 PM, both in Council Chambers and via Zoom.
3. The next regularly scheduled meeting of the Planning Commission is July 20 at 6 PM, both in Council Chambers and via Zoom.
4. The next regular meeting of the Parks, Recreation, and Tourism Commission is scheduled for July 26.
5. The next meeting of the Emergency Management Commission is not scheduled at this time.
6. These meeting dates and times are subject to change
7. Anyone wishing to address the City Council concerning items of interest may do so. The person addressing the Council must complete a Public Comment Card and submit it to the City Administrator prior to the meeting. All remarks will be addressed to the whole City Council and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Administrator, at TCorrigan@shadycove.org, no later than 4:00 PM the day of the meeting. The Council reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

**II. Public Comment on Agenda Items**

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

- A. Minutes of 07/06/23
- B. Bills Paid 06/29/23 - 07/12/23 - \$43,334.33

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).

**IV. Items Removed from Consent Agenda**

**V. Staff Reports**

- A. Jackson County Deputy
- B. Fire Chief Travis Crume, FD4
- C. Commission/Committee Reports
- D. City Administrator

**VI. Old Business**

- A. Silas Olson - Hiland Water
- B. Jet Boat Letter – Councilor Mitchell (pg.9)
- C. Parks, Recreation, and Tourism Recommendations
- D. Visual Calendar – Councilor Hubbard
- E. Ordinance 299 – Public Safety Fees and Interest (pgs.10-25)

**VII. New Business**

- A. Transportation Growth Management Grant

**VIII. Written Communication**

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

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

- A. Mayor Ball
- B. Councilor Nuckles
- C. Councilor Winfrey
- D. Councilor Hubbard
- E. Councilor Mitchell

**Adjournment**

City of Shady Cove  
**City Council Regular Meeting**  
Thursday, July 06, 2023, 6:00 PM  
Meeting was held at City Hall and on Zoom

**I. CALL TO ORDER**

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

The Pledge of Allegiance was recited.

**I.C. ANNOUNCEMENTS**

Roll Call

Council Present: Councilor Nuckles, Councilor Winfrey, Councilor Hubbard, and Councilor Mitchell.

Staff Present: Thomas J. Corrigan, City Administrator

Mayor Ball made the announcements on the agenda.

**II. PUBLIC COMMENT ON AGENDA ITEMS**

Don Blazer addressed the Council on the use of jet boats on the Rogue River. He read a letter that had been published noting concerns of their use.

Hank Hohenstein echoed the concerns of jet boats going at a high speed where people fish, float and swim.

Mayor Ball noted changes in agenda.

**III. CONSENT AGENDA**

A. Minutes of 06/15/23

B. Bills Paid Report 06/09/23-06/29/23- \$35,943.26

**Motion to Accept Minutes on Consent Agenda with Deletion**

Motion: Councilor Nuckles

Second: Councilor Winfrey

Motion Carried: 5-0

**Motion to Accept Bills Paid 06/09/23-06/29/23, \$35,943.26**

Motion: Councilor Mitchell

Second: Councilor Hubbard

Motion Carried: 5-0

#### **IV. ITEMS REMOVED FROM CONSENT AGENDA**

None

#### **V. STAFF REPORTS**

A. Deputy Amaya – 208 incidents in the month of June. River issues are up. No major issues for the 4<sup>th</sup> of July. Stolen vehicle recovered and one arrest made.

B. Planning Commissioner Stirling – Type 3 Hearing last meeting for a Short-Term Rental that was approved with conditions. Discussion had also regarding the Comprehensive Plan. Main Street – A Highway Runs Through It handbook presented. Councilor Nuckles commented on businesses not fulfilling their Conditional Use Permits. Enforcement is complaint driven. Planning Department should follow up on conditions.

C. Parks, Recreation, and Tourism Commissioner Hutchins – Parade and Float were primary notes. Float took second place. Commissioner Pulcini noted PRT spent \$438, which was under budget. City Administrator gave an ODOT update for sign. Flag placement and timing were also discussed. 278 positive comments on social media. Mayor Ball requested change of PRT meetings.

D. City Administrator – Tom Corrigan - City Administrator repeated his suggestion on having the applicant provide the proof of fulfillment of Conditional Use obligations. Thanked Commissioner Edwards for assisting with the park. CIS still has free training online for all of Council. League of OR Cities registration is opening soon and hotels are linked to registration. RVSS archeological permit for update to station was approved. Facebook should be live Monday. Looking for new pictures and stories. A citizen asked for the City to review a paraphernalia ordinance. Following up on a new business without a license. The City does not handle trespass issues between neighbors. Still investigating Riparian complaints and Short-term Rental complaints. Jackson County will stop picking up dead animals in the City at the end of September. Pac Power is working with Winters Electric and Hunter for service at front of City Hall. Requests for possible development at top of Train Lane and end of Rene Drive.

Commissioner Roberts addressed the Council.

#### **VI. OLD BUSINESS**

A. Jet Boat Letters – Mayor Ball commented that he believes jet boats do not fit on this section of the Rogue. Councilor Mitchell gave background, current thoughts, and addressed two versions of a letter to the Governor. Explained to Councilor Winfrey that a business cannot be cited for Riparian issues. Councilor Hubbard

suggested getting Sheriff's Office and Fire District 4 to provide a letter of support. Councilor Nuckles suggested letter from June 25<sup>th</sup> with edits. Commissioner Roberts suggested talking with Sergeant Shawn Richards. Don Blazer commented on safety of rafters and kayaks with the possibility of jet boats. Hank Hohenstein agreed with safety concerns and disclaimer for use of photos received.

- B. Visual Calendar – Councilor Hubbard – Revised price list for 28-page calendar - \$2500 for 500 copies. Consensus for Staff to have email [CalendarPhotos@shadycove.org](mailto:CalendarPhotos@shadycove.org) to collect photos. Councilor Hubbard to create timeline for production.
- C. Delinquent Public Safety Fee Procedure – City Administrator reviewed current collection procedures. Currently tax certification is our best option, but takes the longest. Council directed Staff to poll cities for collection rates and possible revision of Ordinance 299

Motion to Extend Meeting until 8:30 PM

Motion: Councilor Nuckles

Second: Councilor Mitchell

Motion Carried: 5-0

- D. Short-Term Rental Direction – Mayor Ball read comments saying residents did not move here to live next to a hotel. Joint Study Session with Planning Commission shared Planning's recommendations to Council. Councilor Mitchell read his suggestions, including denying use of Accessory Dwelling Units for Short-term rentals. Councilor Nuckles suggested using County Building records for what is considered a bedroom. Suggested utilizing other city's max bedroom rules and complaints going from 3 down to 2. Council discussed what constitutes a complaint including noise. Private roadways and shared wells would need to be added. Councilor Nuckles suggested the owner be a full-time resident. Council discussed management of complaints. Mayor Ball stated that the exhibits that were attached to the original ordinance and were "adopted by reference" were not included. It was the intent to determine the occupancy based upon amount of room.

Motion to direct Staff to incorporate changes discussed bring all comments together in a new Ordinance, including  $\frac{3}{4}$  of owners to approve shared wells and record agreement.

Motion: Mayor Ball

Second: Councilor Mitchell

Motion Carried: 5-0

Motion to Extend Meeting until 8:45 PM

Motion: Councilor Mitchell

Second: Councilor Hubbard

Motion Carried: 5-0

## **VII. NEW BUSINESS**

None

## **VIII. WRITTEN COMMUNICATION**

None

## **IX. PUBLIC COMMENT ON NON-AGENDA ITEMS**

None

## **X. COUNCIL COMMENTS ON NON-AGENDA ITEMS**

- A. Councilor Hubbard- Thanked everyone from Parks, Recreation, and tourism for the work on the 4<sup>th</sup>. Thanked everyone for attending in person and online.
- B. Councilor Winfrey - 4<sup>th</sup> of July was awesome. Thanked everyone for coming.
- C. Councilor Mitchell- Thanked everyone for coming. Requested copy of Fee Schedule. Also commented on Jason Asbill's property as an enforcement issue. Mayor Ball suggested it be a future agenda item so it is consistent.
- D. Councilor Nuckles- Thanked PRT and its Chair for the 4<sup>th</sup> of July. Thanked everyone for coming tonight.
- E. Mayor Ball-. Thanks again to PRT. Enforcement is up to everyone. Tightening up Ordinances such as Short-Term Rentals are important. Thanked everyone for coming.

## **ADJOURNMENT**

There being no further business before the Council, Mayor Ball adjourned the meeting at 8:36 PM.

Approved:

Attest:

\_\_\_\_\_  
Mayor Ball

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

### **Council Vote:**

Mayor Ball \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Winfrey \_\_\_\_\_  
Councilor Hubbard \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_

Report Criteria:  
Detail report type printed

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
13	Avista Corporation	4941620000	Natural Gas 07/2023	1	06/22/2023	25.86	.00	25.86	50871	07/12/2023
Total 13:						25.86	.00	25.86		
24	Canon Financial Services, I	30657558	Contract 06/01/2023-06/30/	1	06/12/2023	203.82	.00	203.82	50872	07/12/2023
Total 24:						203.82	.00	203.82		
25	Canon Solutions America, I	6004677929	Copier	1	06/25/2023	90.41	.00	90.41	50873	07/12/2023
Total 25:						90.41	.00	90.41		
32	CIS Trust	PO-SHC-I20	Property/Liability 2023-202	1	06/28/2023	26,742.10	.00	26,742.10	50875	07/12/2023
Total 32:						26,742.10	.00	26,742.10		
43	Christian, David	06192023	Radio 06/19/2023-06/23/20	1	06/19/2023	90.00	.00	90.00	50874	07/12/2023
		06232023	Radio 06/26/2023-06/30/20	1	06/26/2023	90.00	.00	90.00	50874	07/12/2023
		07072023	Radio 07/03/2023-07/07/20	1	07/07/2023	127.50	.00	127.50	50874	07/12/2023
Total 43:						307.50	.00	307.50		
49	Eagle Point Hardware	876398	Streets - Equipment Mainte	1	05/31/2023	95.03	.00	95.03	50878	07/12/2023
Total 49:						95.03	.00	95.03		
72	Jackson County Recycling	JCRP23-24	Waste Reduction, Reuse &	1	06/28/2023	303.00	.00	303.00	50880	07/12/2023
Total 72:						303.00	.00	303.00		
88	League of Oregon Cities	2023-200365	Annual Membership	1	07/01/2023	3,113.00	.00	3,113.00	50881	07/12/2023
Total 88:						3,113.00	.00	3,113.00		
114	Pacific Power	3284764100	Street lights	1	06/26/2023	679.51	.00	679.51	50882	07/12/2023
		3284764100	City Hall	2	06/26/2023	300.58	.00	300.58	50882	07/12/2023
		3284764100	Nork Lane	3	06/26/2023	111.51	.00	111.51	50882	07/12/2023
		3284764100	Aunt Carolines Park	1	06/23/2023	67.38	.00	67.38	50882	07/12/2023
Total 114:						1,158.98	.00	1,158.98		
119	Perfection Cleaning	292108	City Hall office cleaning 06/	1	07/01/2023	360.00	.00	360.00	50883	07/12/2023
Total 119:						360.00	.00	360.00		
120	PERS	1596728	SSI - Administrative Fee	1	05/26/2023	15.00	.00	15.00	50884	07/12/2023
Total 120:						15.00	.00	15.00		
139	Shady Cove Hardware, LL	06302023	Fasteners, misc tools	1	06/30/2023	276.02	.00	276.02	50887	07/12/2023
		06302023	Tools for Flags	2	06/30/2023	273.70	.00	273.70	50887	07/12/2023
		06302023	Sprinkler, drwr lock cam, a	3	06/30/2023	54.95	.00	54.95	50887	07/12/2023

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 139:						604.67	.00	604.67		
151	Southern Oregon Sanitatio	0100880707	1008 Celtic Circle	1	06/28/2023	45.93	.00	45.93	50888	07/12/2023
		0100880707	2501 Indian Cr Rd	2	06/28/2023	66.80	.00	66.80	50888	07/12/2023
		0100880707	22451 Hwy 62	3	06/28/2023	45.93	.00	45.93	50888	07/12/2023
Total 151:						158.66	.00	158.66		
160	Teamster Local 223	07052023	Monthly dues	1	07/05/2023	204.00	.00	204.00	50889	07/12/2023
Total 160:						204.00	.00	204.00		
168	URCC	0007-752023	Rental of Comm. Center B	1	07/05/2023	30.00	.00	30.00	50891	07/12/2023
Total 168:						30.00	.00	30.00		
254	Hart Insurance Agency	3007178	Cyber/Network Liability Poli	1	06/30/2023	5,215.02	.00	5,215.02	50879	07/12/2023
Total 254:						5,215.02	.00	5,215.02		
255	TouchPoint Networks, LLC	INV-7126	WatchGuard T40 Firebox	1	07/01/2023	107.00	.00	107.00	50890	07/12/2023
Total 255:						107.00	.00	107.00		
286	City of Shady Cove - Utilitie	06302023	22451 Hwy 62	1	06/30/2023	47.25	.00	47.25	50876	07/12/2023
		06302023	2501 Indian Creek Rd	2	06/30/2023	46.25	.00	46.25	50876	07/12/2023
		06302023	1008 Celtic Cir	3	06/30/2023	47.25	.00	47.25	50876	07/12/2023
Total 286:						140.75	.00	140.75		
289	Rogue Shred, LLC	061623	65 gal shred 6/9/2023	1	06/16/2023	54.60	.00	54.60	50885	07/12/2023
		3301628	65 gal shredding totor	1	06/30/2023	5.00	.00	5.00	50885	07/12/2023
Total 289:						59.60	.00	59.60		
430018	SAIF Corporation	1001306113	Installment payment	1	07/01/2023	431.58	.00	431.58	50886	07/12/2023
Total 430018:						431.58	.00	431.58		
430020	Confident Staffing, Inc.	49574	Lybarger, P. Smith, M week	1	06/18/2023	1,374.88	.00	1,374.88	50877	07/12/2023
		49604	P. Lybarger seasonal work	1	07/02/2023	482.00	.00	482.00	50877	07/12/2023
		49604	M. Smith accounting-bookk	2	07/02/2023	886.09	.00	886.09	50877	07/12/2023
		49604	P. Lybarger seasonal work	3	07/02/2023	482.00	.00	482.00	50877	07/12/2023
		49604	M. Smith accounting-bookk	4	07/02/2023	743.38	.00	743.38	50877	07/12/2023
Total 430020:						3,968.35	.00	3,968.35		
Grand Totals:						43,334.33	.00	43,334.33		

## Report Criteria:

Detail report type printed





*Mayor*  
Jon Ball

*Councilors*  
Kathy Nuckles  
Paige Winfrey  
Jim Hubbard  
Steve Mitchell

July 12, 2023

Governor Tina Kotek  
Office of the Governor  
900 Court Street, Suite 254  
Salem, OR 97301-4047

Dear Governor Kotek,

As Mayor for the City of Shady Cove, I am writing to you to express the grave concerns of our citizens, businesses, and the City Council regarding a Jet Boat business proposal requesting to expand their operations on the Rogue River North of TouVelle State Park in Central Point.

The State Marine Board recently relicensed the jet boat operation from TouVelle State Park. The City of Shady Cove was not notified of the proposed expansion. The concerns that were raised are the noise from the engines, erosion of the resident's river bank fronting the Rogue River, danger to other drift fishing boats, rafters, paddle boarders, and the detrimental impact on our struggling fish industry from the Cole Fish Hatchery South.

In June 2016 the State mandated the City of Shady Cove adopt a Riparian Protection Ordinance to protect the river banks of the Rogue River, including the habitat of the fish and wildlife. The City would be put in a difficult position to penalize a business that will erode the river banks, and property owners having to repair and restore their property due to actions that are beyond their control.

The Council would like to cordially invite you to visit us to see firsthand the negative effects the proposed expansion of Rogue Jet Boat Adventure would have on our beautiful Rogue River. Jet boats on our portion of the Rogue will have a disastrous impact on all other uses.

Very truly yours.

Jon Ball, Mayor

cc: Colleen Roberts, Jackson County Commissioner  
Steve Lambert, Jackson County Roads & Park Director

*"The City of Shady Cove is an equal opportunity provider."*

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226  
E-Mail: [tcorrigan@shadycove.org](mailto:tcorrigan@shadycove.org) ♦ Web Site: [www.shadycove.org](http://www.shadycove.org)

# City of Shady Cove

## Ordinance No. 299

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON ESTABLISHING A PUBLIC SAFETY ACT AND IMPOSING A SURCHARGE FOR POLICE FUNDING and REPEALING ORDINANCE # 264.

**Whereas**, the public safety of the City of Shady Cove, if not managed through a strong program of prevention and response, can deteriorate causing serious safety consequences as well as blight in residential and commercial areas of the City; and

**Whereas**, the City Council has concluded that assuring public safety, through well-functioning Law Enforcement, is a priority need; and

**Whereas**, the City Council has consistently set a goal of adequate funding for Law Enforcement and has held public discussion on this issue during Council meetings, in the City newsletter, and this discussion has been covered in electronic and print media; and

**Whereas**, the City Council finds the Public Safety Act and methodology of apportioning a surcharge is a reasonable and rational way to provide a functioning public safety system to help keep Shady Cove safe.

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

#### **Public Safety Act**

The Public Safety Act, attached hereto as Exhibit A is adopted as a means of providing adequate Law Enforcement and public safety services throughout the City of Shady Cove.

#### **Severability**

In the event any section, subsection, paragraph, sentence or phrase of this Ordinance of any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective.

#### **Classification**

The fees and charges herein are not intended to be taxes, nor are they subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

**Repeal:**

This ordinance does hereby repeal Ordinance 264.

**ADOPTED** by the City Council of the City of Shady Cove, this 2nd day of December, 2021. Effective January 1, 2022.

Approved:



Shari Tarvin  
Mayor

Attest:



Thomas J. Corrigan  
City Administrator

**Council vote:**

Mayor Tarvin	<u>      </u> Aye <u>      </u>
Councilor McGregor	<u>      </u> Absent <u>      </u>
Councilor Nuckles	<u>      </u> Aye <u>      </u>
Councilor Evertt	<u>      </u> Aye <u>      </u>
Councilor Murders	<u>      </u> Nay <u>      </u>

## Exhibit "A"

### **PUBLIC SAFETY ACT**

- Section 1: Title
- Section 2: Purpose and intent
- Section 3: Definitions
- Section 4: Imposition of public safety surcharge
- Section 5: Dedication of funds
- Section 6: Collection
- Section 7: Program administration
- Section 8: Appeal process
- Section 9: Enforcement

#### **Section 1: Title.**

Ordinance No. 262 shall be known as the Public Safety Act.

#### **Section 2: Purpose and Intent.**

1. The principal purpose of this Public Safety Act is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the City. The Council finds that a continuous and consistent Public Safety program provides important economic and social benefits to the public, including, but not limited to:
  - (a) Increased police protection;
  - (b) Prevention of crime;
  - (c) Enhanced protection of property;
  - (d) Improved response to disaster situations;
  - (e) Promotion of business and industry; and
  - (f) Promotion of community spirit and growth.

2. It is the intent of this act to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of public safety and to help augment the Law Enforcement to service levels desired by the public.
3. The Public Safety Act is intended to be a surcharge for service within the City limits. However, it is not intended to provide full funding for Law Enforcement. In the event that Public Safety surcharge revenues collected are insufficient to properly operate Law Enforcement, additional funding may be allocated by the City Council from other non-dedicated City funds; provided, however, the City Council may direct the reimbursement to such other non-dedicated City funds if additional Public Safety surcharge revenues are collected.

### **Section 3: Definitions.**

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

<i>Accessory Dwelling Unit (ADU) or Ancillary Unit:</i>	A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
<i>Apartment House:</i>	Any building or portion thereof that contains three or more individual dwelling units, regardless of the ownership arrangement.
<i>Developed Property.</i>	A parcel or portion of real property on which one or more improvements exist. Improvements on developed property includes, but is not limited to, buildings, utilities infrastructure (whether operating or not), parking facilities, and outside storage of any kind or nature.
<i>Hotel/Motel:</i>	A part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, a bed and breakfast, motel studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club (that provides lodging), trailer or recreational vehicles providing transient housing.
<i>Mobile Home Park:</i>	Any lot on which two (2) or more mobile homes are located and being used for residential purposes, other than as an approved "guest house," and where the primary purpose of the property owner is to rent or lease the spaces and related

or necessary facilities to the owners or occupants of the mobile homes, or to offer same in exchange for trade of services. Each space within the mobile home park is determined to represent a unit for assessment of the surcharge.

**Non-Residential Unit.**

A use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure that provides facilities for one (1) or more businesses including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit. The conducting of a business or businesses at two (2) or more locations shall, for the purposes of this chapter, be deemed to be separate businesses and each thereof shall be subject to the surcharge provided for in this chapter. If two or more differently classified but otherwise related businesses are carried on in the same premises by the same owners, then the business shall be considered one non-residential unit; provided however, any business activity leased under concession to or owned, wholly or in part, by a different person or persons on the same premises shall be considered a separate non-residential unit. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered. -A mobile business such as a food concession or a carnival shall be considered a non-residential unit, and shall be assessed a surcharge for each month during which the mobile business carries on business in the City of Shady Cove for one or more days during the month. Food concessions operated by non-profit organizations in conjunction with sports, recreation, entertainment or similar one-time or seasonal events shall not be considered a non-residential unit, provided any excess of earnings over expenses is used solely to benefit the non-profit organization.

In addition to a single unit charge per business, an additional surcharge shall be required based on the number of employees as reported in the Business License registration. Each increment of ten (10) employees shall constitute one (1) unit for the assessment of the surcharge. Business License registration shall be reviewed annually in March to determine if there have been any changes to the number of

employees. Adjustments shall be made as required to comply with this ordinance.

**Person.**

A natural person, unincorporated association; tenancy in common, partnership, corporation, limited liability company, cooperative, trust, any governmental agency, including the State of Oregon, but excluding the City of Shady Cove, and other entity in law or in fact. The singular includes the plural as the context requires.

***Recreational Vehicle Park  
or Campground.***

An area designated to accommodate recreational vehicles and/or tent campers and provide related and needed facilities and services

**Residential Unit.**

A residential structure that provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, and not as a non-residential unit. An Ancillary Unit on a single-family parcel shall be considered as a separate residential unit for purposes of assessment of the surcharge. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units will have each unit considered as a separate residential unit.

**Responsible Party.**

The person or persons owing the Public Safety surcharge. Two or more persons may be jointly and severally liable for payment of the surcharge.

**Transient.**

Any person who exercises use in a transient lodging facility by reason of concession, permit, right of access, license or other agreement for a period of fewer than thirty (30) consecutive calendar days, counting portions of calendar days as full days.

**Transient Lodging.**

A hotel, motel, vacation rental, bed and breakfast or other unit that is designed for rental for temporary overnight human occupancy. A business that includes spaces designed for parking recreational vehicles during periods of human occupancy of those vehicles for fewer than thirty (30) days. Transient lodging that serves as a residential use in excess of thirty (30) or more days shall be considered as a residential unit and not transient lodging.

Undeveloped Property. Land without improvements.

#### **Section 4: Imposition of Public Safety Surcharge.**

1. There is hereby created a Public Safety surcharge to accomplish the purposes described in this ordinance.
2. There is hereby imposed upon the responsible party or parties for each developed property in the City limits a surcharge for twenty-one dollars (\$21.00 per month) for each residential unit and each non-residential unit on that property. Billing shall be as a line item on the City's utility bill unless otherwise specified.
3. Except as the fees may be reduced or eliminated under as set forth in Section 8 of this Ordinance, the obligation to pay a Public Safety surcharge arises when a person responsible uses or otherwise benefits from Public Safety services. It is presumed that Public Safety services are used, and that a benefit arises, whenever the subject real property is a property within the City limits.
4. All ~~developed~~ properties within the City limits, regardless of whether they are occupied or unoccupied, shall be charged the Public Safety surcharge unless specified otherwise in this Ordinance.
5. Undeveloped properties shall be charged a Public Safety Fee at the rate of 50% of the single non-residential unit public safety fee.
6. Annually, as part of the budget review process, a determination shall be made by the City Council as to whether a modification in the surcharge would be appropriate. Modification to the surcharge shall be by ordinance and fees shall be set by Resolution.

Modification shall include a review at least once every two years to allow for an adjustment based upon the Consumer Price Index.

7. Although this ordinance refers to "units" as a basis for calculating surcharges, the surcharge does not in any way create an *in rem* obligation in respect of the property. Units instead serve merely as a basis for measurement to determine the total amount of the surcharge. The obligation to pay the surcharge is a personal obligation of the responsible party.

#### **Section 5: Dedication of Funds.**

All Public Safety surcharge revenues derived shall be distinctly and clearly noted in both the revenue and expenditure sections of the City budget and shall be used exclusively for the improvement, maintenance, administration and operation of Law Enforcement



and costs incidental thereto and for no other purpose in order to help provide for a safer, more effective and better functioning Public Safety program.

The surcharge paid and collected under this ordinance shall not be used for general or other governmental or proprietary purposes of the City, except that the City may pay for the equitable share of the cost of accounting, management and government that is attributable to the fund, which shall not exceed five percent (5%) of the gross revenues of the fund during any fiscal year.

#### **Section 6: Collection.**

1. Public Safety surcharges shall be collected monthly. Statements for the surcharge shall be included as an additional item on the City monthly utility billing wherever feasible, unless otherwise specified.
2. Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the City, the person responsible for paying the City's sewer utility charge is responsible for paying the Public Safety surcharge, if the property is located within the City limits.
3. The imposition of surcharges shall be calculated on the basis of the number of residential or nonresidential units supported, without regard to the number of sewer connections serving that property, and without regard to whether the units are occupied or not occupied.
4. Late charges in the amount of \$5 per month shall be attached to any Public Safety surcharges not received within 30 days of billing.
5. Notwithstanding the above, if the Public Safety surcharge is not paid for a period of three months, the surcharge, with any attendant late fees shall be imposed on the responsible party.
6. The obligation to pay the Public Safety surcharge is assessed to the property and shall run with the land. Any unpaid assessments will be the responsibility of any subsequent owners. New utility services will be dependent on a paid account regardless of whether a subsequent owner inherited a delinquency.

#### **Section 7: Program Administration.**

1. Except as provided below, the City Administrator shall be responsible for the administration and collection of fees under this Ordinance.
2. The City Administrator is authorized and directed to review the operation of this Ordinance and, where appropriate, recommend changes thereto in the form of administrative procedures for adoption by the City Council by resolution. Such procedures if adopted by the Council shall be given full force and effect, and

unless clearly inconsistent with this Ordinance shall apply uniformly throughout the City.

### **Section 8: Appeal Process.**

1. A Public Safety surcharge may be appealed for change or relief in accordance with the following criteria.
  - (a) Classification of Property. Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, appropriate relief will be granted. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.
2. An application for appeal shall state the reason(s) for appeal, and must include supporting documentation to justify the requested change or relief. An application will not be deemed complete until all information requested by the City has been provided. During the appeal, payment of the fee shall be deferred.
3. Application for appeal shall state the reason for appeal, identifying any alleged error and be supported by documentation justifying the requested change or relief. The responsible person shall have the burden of proof to establish a change in the billing rate is appropriate.
4. The Shady Cove City Council shall hear all appeals within 60 days of the receipt of written appeal
5. Appeals filed within 120 days of the date of imposition of the surcharge under this Ordinance shall not be subject to paying a filing fee. After this 120-day period, the initial filing fee for an appeal shall be \$50. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief.

### **Section 9: Enforcement.**

1. In the event funds received from City utility billings are inadequate to satisfy in full all of the sewer and Public Safety charges, credit shall be given first to the Public Safety surcharge and second to the sewer services charge.
2. In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this Ordinance by disconnection of sewer service to any premises where Public Safety surcharges are delinquent or unpaid or other means as determined practical by Rogue Valley Sewer Services.
3. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this Ordinance, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

## § 35.03 FEE SCHEDULE.

(A) *Short title.* This section may be referred to as the "Fee Ordinance of Shady Cove".

(1) *Collection and distribution of land use application fees.*

(a) Fees for land use applications are established and periodically revised to reflect average actual cost, as established through tracking studies.

(b) Twenty-five percent of each developer fee will be retained for administrative costs. Seventy-five percent of every fee will be used to pay for the City Planning Consultant, City Engineer, City Attorney and any actual incurred costs. When city costs exceed the initial fees collected, the city shall invoice the applicant for all additional costs associated with project completion. These costs shall begin accruing at the time of application submittal and include, but not be limited to, publishing of legal notices, postage, recordings and attorney, engineering and planning consultant fees. All money that is owed to the city shall be paid in full before any planning action is finalized by the city.

(2) *Land use application fee refunds.*

(a) If the city accepts money for a land use application fee, and it is found that the city should not have accepted that application because of a mistake on the part of the city, or the employees representing the city, or if an applicant withdraws his or her application, a refund may be appropriate.

(b) If professional (billable costs to the city) services have been performed, a refund, less those charges, plus a 25% administrative fee, will be deducted from the fee and the balance refunded.

(c) If no professional (billable costs to the city) services have been performed, the full amount of the fee, less an administrative fee equal to 15% of the fee, will be refunded. The administrative fee of 15% will not apply if acceptance of the application was an error on the part of the city, or the employees representing the city.

(3) *Collection of fees for administrative services and miscellaneous applications.* The fees for administrative services include a charge for time spent by city staff to perform specific services and charge for materials used to complete the service.

(4) *Collection of sewer connection fees.*

(a) A fee for the physical connection to the wastewater collection system is appropriate to cover the cost of materials, inspection and administration, when done individually (one or two at a time). The connection fee is in addition to the established system development charge.

(b) A connection fee is not appropriate for subdivisions or other developments with multiple connections (three or more) made simultaneously. The material is provided by the developer, inspection is covered by the inspection fee schedule and administrative cost is provided in the administrative overhead component of the land use application fee.

(c) 1. When sewer service is discontinued, whether long or short term, the connection may be maintained through monthly payment of usage fee applicable to the prevailing single dwelling unit.

2. If the current monthly usage fee, for the customer who is discontinuing service, is less than the fee applicable to a single dwelling unit, then their existing rate and any subsequent increase to that rate, will be applicable.

3. It remains the option of the customer to forego the required payment when service is discontinued. However, if payment is not made for a six-month period, the city may disconnect service.

4. When service is disconnected under the foregoing circumstance, reconnection will require payment of the connection fee, as well as the prevailing system development charge.

(5) *Service outside city limits.*

(a) Persons who apply for connection to the waste water system, for property not located within the city limits, will deposit upon application:

1. The appropriate system development charge and connection fee; and
2. An amount equal to six months, monthly usage fee. If approved, the deposit will be held for 24 months, after which it will be applied to monthly usage.

(b) If the application is approved, the applicant shall:

1. Pay all costs related to the connection, including, but not limited to, extension of the main line and appurtenances, if so determined, by the City Engineer or Public Works Department, engineering costs, surveys, inspections and the like;
2. Pay monthly usage fees equal to one and one-half of the prevailing monthly usage fee for the type of service being connected. The additional one-half will offset debt service paid through property tax for property located within the city limits; and
3. Deed main-line extensions and relative appurtenances to the city, as well as a 20-foot easement over the main-line extension and relative appurtenances.

(c) The City Administrator will have the authority to approve connections to the waste water system, for property located outside the city limits.

(6) *Plant unit reservation charge.* All reference to plant unit reservation charge (PURC) is superseded by the appropriate systems development charge and sewer connection fee.

(7) *Collection of sewer usage fees.*

(a) Sewer usage fees are collected to provide for ongoing operations and maintenance as well as to accrue replacement reserve funds.

(b) Any advance payments made by customers will be applied to the current monthly sewer usage fee. However, they do not constitute payment in full if a sewer usage fee increase occurs during the time any unused portion of the advance payment is still reflected on the customer's account. The customer will pay the full amount of the revised fee.

(8) *Suspension of sewer usage fees.*

(a) Consideration for the suspension of sewer usage fees may be given if an improvement to the waste water system is removed or destroyed. Written notification is required of the property owner, with confirmation noted by the Public Works Director.

(b) If the conditions, set forth in division (A)(7)(a) above, are met, the City Administrator, or designee, may offer the applicant a choice of one of the following:

1. Suspend payment of monthly usage fees until an improvement is reconnected to the waste water system. At the time of application for reconnection, the appropriate system development charge and connection fee will be applied.
2. Continue payment of monthly usage fees. At the time of application for reconnection, the only charge shall be the appropriate fee for inspection of the connection.

(c) When an improvement for a different use (such as a residence replaced by a business) is reconnected to the waste water system, the appropriate system development charge shall apply, as

well as an inspection fee.

(9) *Collection of inspection fees.*

(a) With city staff, or through direct contract, the city performs inspections of street, sanitary sewer, storm drainage and water line construction, as well as street light and other underground utility placement. A fee schedule is established to offset the cost of those inspections.

(b) Fees for inspection will be charged to the application fee. When inspection fees, along with other appropriate charges, exhaust the application fee, the applicant will be invoiced for the additional inspection fees.

(c) Payment to the city, for inspections, is due within 30 days of the date of invoice. Payments made beyond 30 days will be assessed a penalty of 1.5% of the unpaid balance, compounded monthly.

(d) The final plat will not be approved until all fees and penalties have been paid.

(e) A copy of this section of this section, along with the inspection fee resolution, will be provided to each land use applicant for which street or storm drainage construction, sewer and water main extension or street light and underground utility placement is required.

(f) The City Council shall have the authority to identify public works activities and services, which are not otherwise delineated in current ordinances, and establish fees for the services, from time to time, by resolution.

(10) *Public works activities.*

(a) *Fees authorized.*

1. Fees for public works activities and services are hereby authorized.
2. The appropriate fees will be established and revised, as required, by resolution.

(b) *Charges for public works labor.*

1. The hourly rate for public works employees will be fully burdened with all overhead costs.
2. The hourly rate for public works employees will be revised annually, to reflect cost identified in the most current budget.

(B) *Fee adoption by resolution.* The amount of each fee shall be adopted by Council resolution. Changes in the amounts shall also be adopted by resolution, including those changes resulting solely from inflationary cost impacts.

(Ord. 155, passed 4-16-1998; Ord. 182, passed 12-2-1999; Ord. 189, passed 5-18-2000; Ord. 196, passed 1-18-2001; Ord. 200, passed 3-21-2002; Ord. 208, passed 5-1-2003)

Exhibit "A"  
Attachment to City of Shady Cove Fee Resolution No. 21-08

<b>ADMINISTRATIVE FEE</b>		
Administrative Fee	\$45.00	Per hour, per person, after first 15 minutes.
Copies	\$0.30	Per page.
Copies	\$0.55	Per side for 11x17.
Audio Recording (CD)	\$5.00	Actual cost of CD and staff time to reproduce CD.
Returned Check Fee	\$30.00	Returned Check/ACH Fee.
Debit / Credit Card Transaction Fees	TBD	
<b>BUSINESS LICENSE</b>		
Business License	\$85.00	All business licenses. Businesses located in the City, out of City or Home Occupations, etc.
Duplicate Business License	\$10.00	
1 to 30 Day License	\$10.00	One per fiscal year.
License Late Fee	20%	If paid after August 1 a 20% (\$17.00) late fee will be assessed.
License Reinstatement Fee	\$25.00	
Prorated Business License	\$7.00/Month + Next Fiscal Yr.	For a new business beginning after Dec 31 through the end of the fiscal year + full rate of the next fiscal year.
Flag Program	\$50.00	Per calendar year
<b>LIQUOR LICENSE</b>		
Change of Ownership	\$35.00	
Renewal	\$35.00	
Temporary/Special Event	\$35.00	
<b>TAXES AND FEES</b>		
Raft Rental Tax	\$3.00	Per raft rental (Ord. 199 & 232).
Transient Occupancy Tax	6%	(Ord. 140, 140-01, & 171)
<b>PLANNING FEES ***</b>		
Access Permit	\$200.00	Road access.
Ancillary - Up to 100 Sq. Ft.	\$75.00	Applies to small outdoor improvements ancillary to existing structures such as decks and stairs.
Appeal	\$300.00	
Conditional Use Permit	\$600.00	
Consulting, Legal and Professional Charges	Admin Fee	Plus \$45.00 per hour, per person after first 15 minutes.
Extensions	\$25.00	
Fence Permits (Non-Floodplain)	\$50.00	
(Floodplain)	\$250.00	
Final Plat	Half Original Fee	
Floodplain - Additional Inspections	\$150.00	
Floodplain Applications : Minor	\$275.00	Minor includes one inspection.
Floodplain Applications : Major	\$700.00	Includes up to three inspections.
Floodplain Minor File Review	\$150.00	No on site inspection.
Floodplain Minor File Review	\$75.00	Tree removal.
Lot Line Adjustment	\$300.00	
Land Partition Minor	\$600.00	No road creation.

<b>PLANNING FEES continued***</b>		
Land Partition Major	\$1,200.00	Extension or creation of a road.
Other Inspection Services	Admin Fee	Plus \$45.00 per hour, per person after first 15 minutes.
Planned Unit Development	\$2,000.00	Plus \$50.00 per lot
Pre-Application Conference	\$400.00	\$100 Credit on land use approval application.
Revision to Prior Approval	Half Original Fee	
Sign Permit	\$50.00	Per property.
Land Use Approval	\$175.00	Plus any required engineering cost.
Site Development Review	\$175.00	Resident, Non Floodplain, Plus any required engineering cost.
Site Design Review	\$450.00	Resident, Floodplain & Commercial, Plus any required engineering cost.
Subdivision or Mobile Home Park	\$2,000.00	Plus \$50.00 per lot, Plus any required engineering cost.
Variance	\$500.00	Plus any required engineering cost.
Zone Change Application	\$1,500.00	Plus any required engineering cost.
Zone Change & Comp Plan Amendment	\$2,500.00	Plus any required engineering cost.
Zone Change & Annexation	\$3,000.00	Plus any required engineering cost.
<b>STREET IMPROVEMENTS</b>		
28' with Curb and Gutter	\$120.00 per linear foot	Established by Resolution #99-12
<b>STREET IMPROVEMENTS</b>		
36' with Curb and Gutter	\$136.00 per linearfoot	Established by Resolution #99-12
<b>STORM DRAINAGE</b>		
Excavation and backfill, 18 HOPE, pipe curb inlets	\$60.00 per linear foot	Established by Resolution #99-12
<b>WATER IMPROVEMENTS</b>		
8" C-900 PVC water main, 6" fire hydrant lines, water service lines, excavation and backfill and valves, bends, appurtenances	\$55.00 per linear foot	Established by Resolution #99-12
<b>ENGINEERING / CONTRACT / ADMINISTRATION &amp; SURVEY WORK</b>		
Engineering/Contract/Administration & Surveying	\$40.00 per linear foot	Established by Resolution #99-12
5' Concrete Sidewalk (Optional on Street Improvement)	\$20.00 per linear foot or \$4.00 per square foot	Established by Resolution #99-12
<b>SYSTEM DEVELOPMENT CHARGES (SDC's)</b>		
Ordinance No. 271 & Resolution No. 15-18 - Single Family Residential/ EDU		
Parks: Single Family	\$1,500.00	Established by Resolution 19-04.
Storm Water: Single Family	\$1,500.00	Established by Resolution 19-04.
Transportation: Single Family	\$7,500.00	Established by Resolution 19-04.
<b>PUBLIC SAFETY</b>		
Driver License Reinstatement	\$20.00	
Public Safety Surcharge	\$18.00	Per month per unit. Residential & Non Residential. <del>Excludes unimproved properties</del>
Public Safety Fee - Code Enforcement	\$3.00	Per month per unit. Residential & Non Residential. <del>Excludes unimproved properties</del>



<b>SEWER MONTHLY RATES</b>		
<b>Residential</b>		
<b>EQUIVALENT DWELLING UNIT (EDU)</b>		
Single Family	\$44.00	
Multiple Family	\$44.00	Per Unit.
Mobile Home Park	\$44.00	Per Space.
<b>LODGING</b>		
Motel	\$46.00	Plus \$10.00 per unit (21.7% of EDU)*.
R.V. Park	\$46.00	Plus \$10.00 per unit (21.7% of EDU)*. If rented for more than 30 days the full EDU rate (\$46.00) applies.
<b>RESTAURANTS &amp; BARS</b>		
Restaurants & Bars	\$46.00	Plus \$1.75 per seat (3.8% of EDU)*
<b>OTHER COMMERCIAL</b>		
Car Wash	\$46.00	Per Stall.
Laundromat	\$46.00	Plus \$23.00 per washing machine (50% of EDU)*.
Business/Building with 1-5 employees	\$46.00	
Business/Building with 6 + employees	\$92.00	
Fats, Oils, Grease Surcharge (FOG)	\$50.00	1st month out of compliance
Fats, Oils, Grease Surcharge (FOG)	\$100.00	Each additional month out of compliance (with maximum limit of \$1,000.00 per month)
<b>OTHER</b>		
Churches, Other Non-Profit	\$46.00	
Recreation Vehicle Dumping Station	\$92.00	
Service Outside the City	\$67.50	
School	\$46.00	Plus \$0.35 per student and employee (307)**.
Utility Billing Late Fee	1.5% or \$10.00	assessed monthly at 1.5% or \$10.00, whichever is more.
Utility Billing Collection Fee	25%	25% administrative fee added to all accounts turned over to collections.
Vacated Buildings Sewer Maintenance Fee	\$46.00	Full months only. (Commercial)
Vacated Buildings Sewer Maintenance Fee	\$44.00	Full months only. (Residential)
Lien Search	\$25.00	
*Percentage will be applied to any subsequent change in EDU rate.		
** Number of students and employees will be validated each year.		
***All Planning Fees may be subject to actual cost of such as; engineer, arborist, County, attorney, surveyor, etc.		