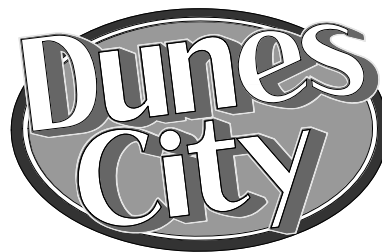


## **Dunes City Council ~ Regular Meeting**

**Thursday, November 10, 2016 ~ 7:00 pm**



*The meeting will adjourn not later than 10:00 pm. If agenda items are not completed, the meeting will continue the next Thursday at 7:00 pm. (Please fill in a "Request for Recognition" form and give to staff if you wish to address the Council or present testimony at a Public Hearing.)*

### **AGENDA**

1. **Call to Order**..... Council President  
Maurice Sanders
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Motion to Approve the Agenda**..... **Action Item**
5. **Consent Agenda**..... **Action Item**

*All items listed here are considered to be routine by the Dunes City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered.*

- A. City Council Meeting Minutes from October 13, 2016
- B. Bills of the Session through November 2, 2016
- C. Receipts of the Session through November 2, 2016

### **6. Announcements / Correspondence**

- A. The next Budget Committee meeting is scheduled for January 19, 2017 at 5:30 p.m.
- B. Birthday wishes to Council President Maury Sanders on the 25<sup>th</sup>, Gary Baker on the 3<sup>rd</sup>, and City Administrator Jamie Mills on the 23<sup>rd</sup>. Refreshments will be served after the meeting to celebrate. All are welcome to join us.

### **7. Citizen Input on Items not listed on the Agenda**

*Maximum time 20 minutes: Speakers will be limited to three minutes. If the number wishing to testify exceeds seven speakers, each speaker's time may be reduced to fit within 20 minutes.*

### **8. New Business**

- A. Appointment to Budget Committee ..... Discussion/**Action Item**  
Applicant Linda John
- B. Resolution Series 2016, No. 12 (11-10-2016) ..... Discussion/**Action Item**  
Approval of Easement and Agreement for  
Construction of Drainage Facilities – Ellis

Dunes City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-997-3338 at least 48 hours in advance of the meeting so that appropriate assistance may be arranged.

Phone (541) 997-3338 • Fax (541) 997-5751 • PO Box 97, Westlake, OR 97493  
82877 Spruce St • [www.dunescity.com](http://www.dunescity.com)

- C. Ordinance No. 242, Right of Way Ordinance ..... Discussion/**Action Item**  
First Reading and Discussion
- D. Ordinance No. 241, Animal Control Code..... Discussion/**Action Item**  
First Reading.

**9. Public Hearings**

- A. Ordinance No. 241, Animal Control Code ..... Discussion/**Action Item**

**10. Unfinished/Old Business**

- A. Ordinance No. 241 Animal Control Code ..... Discussion/**Action Item**  
Second Reading and Consideration.
- B. Resolution Series 2016, No. 11 (11-10-2016)..... Discussion/**Action Item**  
Adopting Forms and Setting Fees for Animal Control.
- C. Website Advertising ..... Discussion/**Action Item**
- D. Vacation of undeveloped Roadways – Tsiltcoos Lake  
Club Plat ..... Discussion/**Action Item**
- E. Acquisition of Property ..... Discussion/**Action Item**

**11. Executive Session** (if deemed necessary)

Called pursuant to O.R.S. 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

**12. Reports**

- A. Mayor’s Report..... M. Sanders
- B. Community Center Report..... D. Wells
- C. Site Review Report..... K. Platt
- D. Water Quality Report ..... S. Meyer
- E. Public Works Maintenance Supervisor’s Report ..... J. Mills
- F. Emergency Services Report..... J. Mills
- G. City Administrator/Recorder/Planning/Staff Report..... J. Mills

**13. For the Good of the Order**

**14. Adjournment**

*The meeting will adjourn not later than 10:00 pm. If agenda items are not completed, the meeting will continue on the following Thursday at 7:00 pm.*

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82877 Spruce St • [www.dunescity.com](http://www.dunescity.com)



**CITY COUNCIL MEETING MINUTES ~ DRAFT  
OCTOBER 13, 2016 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.com](http://www.DunesCity.com)

**1. CALL TO ORDER**

Council President Maurice Sanders called the October 13<sup>th</sup> meeting of the Dunes City Council to order at 7:00 pm.

**2. ROLL CALL**

Roll Call was taken by City Administrator/Recorder, Jamie Mills.

**Present:** Council President Maurice Sanders, Councilor Ed Scarberry, Councilor Sheldon Meyer, Councilor Duke Wells, and Councilor Ken Platt. Councilor Tom Mallen attended via telephone conference call.

**Absent and Excused:** Mayor Rebecca Ruede.

**Also Present:** City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, and several citizens, including the new Community Reporter from the *Siuslaw News*, Mark Brennan.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Councilor Scarberry made a motion to approve the Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

**5. CONSENT AGENDA**

**Councilor Meyer made a motion to approve the Consent Agenda as presented. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

## **6. ANNOUNCEMENTS / CORRESPONDENCE**

Council President Sanders extended birthday wishes to Councilor Meyer, whose birthday is on October 21<sup>st</sup>. He also introduced Mark Brennan, the new Community Reporter from the *Siuslaw News* who was present in the audience.

## **7. CITIZEN INPUT**

There was none.

## **8. NEW BUSINESS**

### **A. Schedule Next Budget Committee Meeting**

Council President Sanders suggested that the Councilors consider holding a Budget Committee Meeting on Tuesday, October 25<sup>th</sup> at 4:00 pm or come to an agreement for an alternative date and time. After discussion, it was agreed that the next Budget Committee Meeting would be Tuesday, October 25<sup>th</sup> at 5:00 pm. City Administrator/Recorder Mills agreed to notify all of the Budget Committee members of the meeting date and time.

### **B. Request from City Resident to Prohibit Installation of High Density LED Street Lights**

(00:04:35) City Administrator/Recorder Mills referred Councilors to a copy of an email from a Dunes City resident and an attached article regarding LED lighting that was included in the Councilors' meeting packets. She explained that she responded to the resident's email thanking her for her input and advising that at this time Dunes City does not have LED lights and does not yet have plans to install them due to their sensitivity to moisture. She noted that the City's annual bill for street lighting is about \$17,000, which could be significantly lower by installing LED lights if they were designed to be moisture resistant.

Following discussion, Council President Sanders suggested that the issue could be on an agenda for consideration in the next Budget cycle meetings. There were no objections to the suggestion, and it was noted that if the City switches to LED lighting the City could consider alternatives to the high density type of bulbs. (00:06:50)

### **C. Acquisition of Property**

Council President Sanders announced an Executive Session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

## **9. EXECUTIVE SESSION**

Council President Sanders read from a script prepared for adjourning to Executive Session, "I will now adjourn this Regular Session of the Dunes City Council to go into

Executive Session held pursuant to ORS 192.660(2)(I)[sic] to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Only representatives of the news media (Mr. Brennan) and designated staff shall be allowed to attend the Executive Session. The time is 7:08 pm.”

Councilors adjourned to the conference room.

Council President Sanders called the Dunes City Council Regular Session back to order at 7:37 pm.

**Council President Sanders ~~announced that no decisions were made in Executive Session. He then requested a motion to authorize the City Administrator and Councilor Wells to act as agents for Dunes City to negotiate a possible purchase of real property on behalf of Dunes City and report back to City Council for approval prior to consummation of any negotiations or transactions.~~ (00:08:58)**

**Councilor Mallen moved to make the motion. Councilor Scarberry seconded the motion. The motion passed by unanimous vote. (00:09:19)**

Council President Sanders announced that the motion passed unanimously and that the City Administrator and Councilor Wells would, therefor, act as agents for Dunes City to negotiate and discuss the terms of possible purchase of real property on behalf of Dunes City and report back to the City Council prior to the consummation of any negotiations or transactions.

(00:09:36)

## **10. PUBLIC HEARING**

None was scheduled.

## **11. UNFINISHED/OLD BUSINESS**

### **A. Ordinance No. 240 Regarding the Humane Killing of Crippled or Helpless Wildlife**

City Administrator/Recorder Mills explained that, as directed during the September Council meeting, she contacted the Oregon State Police, Game Warden Division, and spoke with Lieutenant David Gifford to clarify the issue of dispatching and disposing of a wounded animal. According to Lt. Gifford, the thing to remember is that once an animal has been euthanized the person who euthanized it must contact either the Lane County Sheriff's Office *or* the Oregon State Police to explain what happened prior to disposing of the carcass so that both agencies are aware of the incident and will not need to investigate later. She went on to explain that she amended the wording of the proposed Ordinance to reflect this new information and to eliminate language requiring involvement of the City's Code Enforcement Officer in these situations. (00:11:15)

Council President Sanders noted that City Code prohibits the hunting and trapping of wild game and State law allows for humane euthanizing of injured animals. He questioned the

necessity for Dunes City Code to exempt what already exists in State law. (00:11:30) He opened the subject to discussion.

Councilor Scarberry did not object to the proposed Ordinance, noting that having language in writing helps to clarify what residents must do if they need to dispatch an animal.

Councilor Scarberry made a motion to adopt Ordinance No. 240 as written. City Administrator/Recorder Mills noted a point of order which required a second reading of the Ordinance before any vote to adopt could be made.

Council President Sanders proceeded to state, "The public hearing on this ordinance having been closed at the last City Council meeting on September 8, 2016, this ordinance is now before us on second reading and language consideration." He asked City Administrator/Recorder Mills to inform Councilors as to what has taken place with the language since the last Council meeting that has not already been disclosed. City Administrator/Recorder Mills reported that there have been no changes other than what she just described to the Council. (00:13:25)

**Council President Sanders requested a motion to have the second reading of ordinance number 240, as amended, by title only. He asked Councilor Scarberry if that would be his motion and Councilor Scarberry confirmed. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Council President Sanders read aloud the title of Ordinance No. 240, "An ordinance amending Title XIII, Section 130.01 of the Dunes City Code of Ordinances entitled 'General Offenses' by adding a new paragraph (C) regarding the safe and humane killing of crippled or helpless wildlife; and other matters relating thereto."

**Councilor Scarberry made a motion to accept the wording for Ordinance No. 240, as amended, and to adopt and pass Ordinance No. 240 as presented. Councilor Wells seconded the motion. Council President Sanders requested a roll call vote. The motion passed by unanimous vote with Councilors Meyer, Wells, Scarberry, Mallen, and Platt all voting in favor.**

Council President Sanders declared Ordinance No. 240 adopted, effective immediately. (00:15:12)

#### B. Update on State Funding for Septic Repairs

Councilor Meyer referred Councilors to a copy of an email and related letter confirming that DEQ has awarded the grant for developing and implementing a loan program for septic repairs and maintenance to Craft3, a community development financial institution. More information will be available as the next steps for implementing the program are determined. Councilor Meyer reported that he is in contact with Senator Roblan's office for status updates and will brief the Council when he has more details. (00:16:12)

### C. Possible Creation of a Local Improvement District for Siltcoos Area Water Users

City Administrator/Recorder Mills referred Councilors to a copy of a memo from Carrie Connelly of Local Government Law Group that described the general purposes and basic processes Dunes City could follow to form a Local Improvement District (LID) for running the South Coast Water District water system, if the City should opt to do so.

City Administrator/Recorder Mills disclosed, for the record, that she would be a beneficiary of an LID, if one was created to assist with South Coast Water District's improvements. (00:18:06) She explained that she would make every effort not to influence the Council's decision process and she asked the Council to inform her if it felt that she was inappropriately impacting the Council's discussions and decisions. (00:18:20)

Council President Sanders noted that the new City Council might want to address the LID issue and suggested that, if Councilors agreed, further discussion be tabled until December or January.

Councilor Meyer asked whether there was any possibility that the residents in the area served by South Coast Water District could put in wells for water. He also suggested that ODFW could be brought into discussions about using the water that goes from Woahink into Siltcoos as a water source. (00:21:06) City Administrator/Recorder Mills noted that there have been water rights issued for the Woahink Creek water. She went on to note that it would be up to the Council and/or the residents in the water district to determine whether or not to form an LID, it was a suggestion presented to the City by the governor's office and the Regional Solutions Team.

Council President Sanders suggested that perhaps the affected residents should meet with the new Council to decide what to do. Councilors agreed to table further discussion until January.

### D. Siltcoos Dam Portage License Renewal

City Administrator/Recorder Mills referred Councilors to a copy of an email from DSL that was included in their meeting packets. In the email, DSL is asking Dunes City to renew its license for the portage or to remove the footing, walkway and ramp and return the site to a natural condition.

Councilor Scarberry expressed concern about this issue, noting that he recently kayaked below the dam and found a couple of spots where downed trees in the river are beginning to create navigation and safety problems. He went on to note that removing the portage ramp would not be much of a problem, but the concrete footing is part of the dam structure itself. He went on to note that he was not in favor of renewing the license with DSL.

Council President Sanders asked who would be responsible for keeping the waterway clear and then went on to suggest that the City Engineer and perhaps the City's Public

Works Supervisor could take a look at the portage and the dam to determine what would be involved in removing the portage and the cost involved. (00:29:12) He went on to note that removing the portage and appurtenances would likely cause damage to the surrounding area and be costly to repair. He suggested that City Administrator/Recorder Mills contact the DSL representative to clarify exactly what it is DSL wants removed and then determine what it would cost to remove it. City Administrator/Recorder Mills agreed to do so.

There was some further discussion during which it was noted that the accumulation of debris in the river could potentially cause flooding of the river or other damage. There was some question about who, or which agency, was responsible for keeping river clear of debris and safe to navigate. It was also noted that a DSL representative should probably look at the dam and the surrounding waterway before making demands on the City to remove the portage and repair the area damaged by the removal of the structure. It was generally agreed that City Administrator/Recorder Mills should follow up on the DSL email by contacting a DSL representative. (00:33:55)

## **12. REPORTS**

Mayor's Report: Council President Sanders reported that Mayor Ruede had surgery on the 10<sup>th</sup> of October—the surgery went well and she is home recovering. On behalf of the Mayor, he thanked everyone who sent get well wishes and prayers for her recovery.

Community Center Report: Councilor Wells reported that all is well at the Community Center and, with the current stormy weather, he is happy to see the emergency generator is in place.

Site Review Report: Councilor Platt reported that there were no site visits, and he thanked the Councilors for their support and patience while he was absent.

Water Quality Report: Councilor Meyer reported that water quality is still good. He also reported that he went out with the water testers to see what water testing is all about—it is a very thorough and interesting process. He went on to report that he has been in contact with Mary Dodson, one of the high school science teachers, about the possibility of having one or two students involved in the water testing process. Ms. Dodson expressed interest in the idea. Councilor Meyer noted that he might offer the same opportunity to the Community College.

Planning Commission Annual Report: On behalf of the Planning Commission, Planning Secretary Rapunzel reported that the Commission's annual report on the City's Citizen Involvement Program was included in the Councilors' meeting packets. It essentially reports that the Planning Commission has seen some citizen involvement through its public hearings and will see more with the Citizen Advisory Committee review of Chapter 155 that is coming up.

Public Works Maintenance Supervisor Report: City Administrator/Recorder Mills presented the Public Works report for Mr. Palmer noting that work continues on Leavitt Loop, Russell Road has been swept and brushed, trees have been trimmed, edges graveled and a culvert cleaned out, repairs have been done on Rio Road and a dead end sign has been ordered. She



went on to report that Mrs. Ellis agreed to have the natural drainage on her property restored and the product for the work has been ordered.

Emergency Services Report: City Administrator/Recorder Mills reported that she attended the September WLEOG meeting, handouts and minutes of the August WLEOG meeting were included in Councilors' meeting packets. She noted that the Florence Emergency Expo will be

held at the FEC on November 5<sup>th</sup> and the National Guard will hold a Convoy Event there on October 23<sup>rd</sup> to help them identify routes to Florence in the event of an emergency.

City Administrator/Recorder Report: City Administrator/Recorder Mills reported that six permits were issued in September, Ric Ziegler joined the Planning Commission, and septic letters continue to go out at about ten a week and the number of noncompliant residents continues to drop as a result. She went on to report that the City's boundary encroachment issue is still under discussion but the legal description and survey work to resolve the issue has been done. She noted that she and Region 15 Watermaster, Susan Douthit, had an opportunity to speak at a meeting of the Florence Area Realtor's Association and discussed water concerns, the importance of notifying Dunes City when property in the City changes hands, and much more.

Council President Sanders asked that the record show that the telephone connection with Councilor Mallen was lost at about 8:10 pm.

### **13. FOR THE GOOD OF THE ORDER**

City Administrator/Recorder Mills reported that she was able to follow up on the Council's request to determine what regulations govern how much South Coast Water District is permitted to charge customers—the Public Utilities Commission and OAR set the limit at \$36 per year per household. She noted that she has contacted the governor's office about this issue.

Councilor Platt reminded everyone that a new president will have been elected by the time the Council meets again.

Councilor Wells reminded everyone to register to vote and then be sure to vote.

Councilor Meyer thanked Mr. Brennan for his article in the *Siuslaw News* about the dive club that removed over 3,000 pounds of debris from Woahink Lake and he suggested that the Council request City Administrator/Recorder Mills to write the coordinator of the event a thank you note on behalf of the Council. Councilors did not object to his suggestion. Mr. Brennan noted that the dive group would like to return to the lake to continue their efforts.

### **14. ADJOURNMENT**

**Council President Sanders requested a motion for adjournment. Councilor Meyer made the motion to adjourn. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.**

Council President Sanders adjourned the meeting at 8:16 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 10<sup>th</sup> DAY OF NOVEMBER 2016.**

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Maurice Sanders, Council President

ATTEST:

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Jamie Mills, City Administrator/Recorder

**BILLS OF THE SESSION: 010/07/2016 thru 11/02/2016**

Campbell Productions			\$245.00
Central Lincoln P.U.D. (Street Lights)			\$1,616.75
Central Lincoln P.U.D. (City Hall)			\$108.69
CenturyLink			\$306.90
Charter Business (TVs)			\$72.10
City of Florence Catch Basin Cleaning			\$184.91
Florence Coast Hardware (True Value)			\$49.96
County Transfer & Recycling			\$24.67
Hough, Mac Adam, Warnik, Fisher & Gorman (Audit)			\$2,512.00
Reimburse Fred Hilden - over charged for copies			\$25.75
Reimburse Tom Mallen - charged twice for driveway permit			\$400.00
MCI			\$45.00
Charlie Johnson, Tree Removal			\$150.00
Ray Wells - gravel for Russell Rd, catch basins			\$608.00
Richard Palmer			\$1,800.00
Siuslaw News			\$604.80
Speer Hoyt LLC (General) (estimated)			\$2,000.00
Speer Hoyt LLC (Roads)			
Speer Hoyt LLC (Current Litigation)			
Speer Hoyt Total		\$2,000.00	
Terry English dba Dunes City Home Services (August Office Cleaning 2x)			\$240.00
The Building Department LLC			\$884.25
The Dyer Partnership	Kiechle: \$2875.00		\$3,348.46
U S Bank			\$108.90
Lunch meeting re Kiechle Arm w/Engineer	\$	32.00	
Postage	\$	16.76	
Flowers for the Mayor	\$	57.00	
Interest	\$	3.14	
Vend West			\$10.75
Wells Fargo Financial Leasing, Inc			\$370.50
Staff Wages			\$2,378.17
Employer share of taxes			\$324.92
Employer PERS			\$0.00
Total Employee Costs		\$	2,703.09
Cardinal Services			\$4,313.49
Above bills in the amount of	\$22,733.97	approved per motion,	<b>TOTAL \$22,733.97</b>

ATTEST: \_\_\_\_\_

Mayor / Council President

**RECEIPTS OF THE SESSION (Deposits): 10/7/2016 thru 11/2/2016**

Business License				\$85.00
Building Rental				\$50.00
Copy Charges				\$0.00
Donation				\$0.00
Newsletter and Website Advertising				\$50.00
Franchise Fee, Cable TV				\$0.00
Garbage Licensing Fee				\$0.00
Franchise Fee, PUD				\$4,693.87
Franchise Fee, Telephone				\$0.00
Lien Searches				\$75.00
Permits, Conditional Use				\$0.00
Permits, Deposits				\$0.00
Permits, Driveway & Access				\$0.00
Permits, Electrical				\$570.00
Permits, Excavating & Grading				\$0.00
Permits, Final Plat / Site Review ()				\$0.00
Permits, Manufactured Home Fees				\$0.00
Permits, Mechanical				\$138.00
Permits, Other (Inspections, LUCS, No Brushing, etc.)				\$135.00
Permits, Penalties				\$0.00
Permits, Plan Check Fees				\$246.35
Permits, Planning Fees				\$0.00
Permits, Plumbing				\$0.00
Permits, Right of Way Use				\$0.00
Permits, Structural				\$454.00
Permits, Building Surcharge				\$251.53
Permits, State Surcharge				\$130.44
Permits, Vegetation / Tree Removal		Permits Total	\$2,240.11	\$50.00
Reimbursement				\$0.00
Septic Inspections				\$100.00
Tax, Cigarette				\$163.98
Tax, Liquor (OLCC)				\$0.00
Tax, Oregon State Highway Apportionment				\$7,773.24
Tax, Lane County Motel Fund				\$2,273.96
Tax, School Excise				\$0.00
Triathlon Sponsorships				\$0.00
Water Rights Application Fees				\$0.00
Water Admin Fees				\$100.00
			<b>TOTAL</b>	<b>\$17,340.37</b>



# APPLICATION FOR APPOINTIVE OFFICE

(Please Print or Type)

Date 3/12/16 Position Applying For Budget Committee  
Last Name John First Name Linda Middle Initial \_\_\_\_\_  
Street Address 5174 Russell Dr. Mailing Address \_\_\_\_\_  
Home Phone 541-997-3234 Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_  
Email Address lowieraffi@aol.com

In the event of an emergency, whom may be contact?

Name Chris John Telephone 503 726-9194  
Your Current Occupation X ray tech Your Prior Occupation(s) Sales/ Customer service @ Home Depot  
Are you a resident of Dunes City? Yes How Long? apx. 6 yrs.

Education/Experience/Interests (additional sheets may be attached).

Some college - no degree  
interests include cooking/baking, gardening, and quilting  
Signature Wanda John

Note: Your resume is required for City Councilor or Planning Commissioner.

Revised 01/14/2016 I am currently working during a co-workers absence.

RECEIVED  
MAR 16 2016  
DUNES CITY HAI

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2016, NO. 12 (11-10-2016)**

**A RESOLUTION APPROVING THE DEED OF EASEMENT AND AGREEMENT FOR CONSTRUCTION AND DRAINAGE FACILITIES BETWEEN JULIANN S. ELLIS, TRUSTEE OF THE JULIANN S. ELLIS TRUST AND DUNES CITY, ATTACHED HERETO AS EXHIBIT A. AND INCORPORATED BY REFERENCE HEREIN, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.**

**WHEREAS**, the Dunes City Council is the Defendant in Case No. 16CV26295, entitled Gerald and Donna Reavis, husband and wife, Plaintiffs, vs. the City of Dunes City, an Oregon municipal corporation, Defendants, filed in the Circuit Court of the State of Oregon, in and for Lane County; and

**WHEREAS**, allegations contained within the Complaint suggest that Dunes City has not adequately provided for and maintained drainage facilities to control run off water along Kiechle Arm Road; and

**WHEREAS**, one of the culverts installed to control the storm water runoff was, at the time of its initial construction in 2003, allowed to utilize a natural drainage that existed on private property then owned by Julie Camera; and

**WHEREAS**, Julie Camera is now known as Juliann S. Ellis; and

**WHEREAS**, over time and during construction of the residence on the Ellis property, the natural drainage has filled in, thus allowing waters that once drained down the slope and into the wetland area naturally, to now find its way through the Reavis property; and

**WHEREAS**, in an effort to resolve this drainage issue, the City desires to install an underground piped drainage system to carry stormwater runoff from Kiechle Arm Road across the Ellis property and open up into an area above the natural wetlands to allow the waters to again naturally flow toward the wetlands, but allowing any silt or other debris to fall out before the water enters the wetlands; and

**WHEREAS**, in exchange of the granting of a perpetual right to construct and maintain said drainage facilities on the Ellis property, the City agrees to take certain actions for the benefit of the property, including installation of a driveway culvert, repair of the driveway apron and smoothing and repairing of the existing driveway, as well as to ensure vegetation remains sufficient to allow for privacy;

**NOW, THEREFORE**, the City of Dunes City hereby resolves as follows:

That the attached Easement and Agreement for Construction and Drainage Facilities between Juliann S. Ellis, Trustee of the Juliann S. Ellis Trust and Dunes City accurately

describes the intents and agreements of the parties and sets for the actions to be taken by both parties. Consequently, said agreement is hereby approved and the City Administrator of the City of Dunes City is authorized to execute said instrument on behalf of Dunes City immediately.

**ADOPTED BY THE DUNES CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_ Vacant: \_\_\_\_\_

\_\_\_\_\_  
Maurice Sanders, Council President

ATTEST:

\_\_\_\_\_  
Jamie Mills, City Administrator

Return to:  
City of Dunes City  
P. O. Box 97  
Westlake, OR 97493

**DEED OF EASEMENT AND AGREEMENT  
FOR CONSTRUCTION OF DRAINAGE FACILITIES**

This agreement is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Dunes City, hereinafter referred to as the "City", and Juliann S. Ellis, Trustee of the Juliann S. Ellis Trust, dated July 10, 2003, hereinafter referred to as Owner.

**WHEREAS**, Owner is the owner of certain real property located in Dunes City, Lane County, Oregon, commonly referred to as 83620 Kiechle Arm Road, more particularly described as follows:

Map and Tax Lot Number 19-12-23-40-01400:

Beginning at a point which bars South 643.12 feet and West 681.52 feet from the East ¼ corner of Section 23 of Township 19 South, Range 12 West, Willamette Meridian, and running thence North 81°12'40" West 349.00 feet; thence South 01°37'15" West 340.78 feet; thence North 87°39'50" East 267.49 feet; thence North 25°12'10" East 65.60 feet; thence North 15°27'10" East 145.00 feet; thence North 14°56'00" East 80.00 feet to the point of beginning.

ALSO: Beginning at a point on the shore of Siltcoos Lake which bears South 1361.38 feet and West 1148.34 feet from the East ¼ corner of Section 23 of Township 19 South, Range 12 West, Willamette Meridian, and running thence North 15°30'30" East 263.46 feet; thence South 89°44'30" East 15.87 feet; thence South 15°30'30" West 263.00 feet to the shore of Siltcoos Lake, and running thence Westerly along said shore to the point of beginning, said point bearing South 88°40'10" West 16.00 feet from the previous point, all in Lane County, Oregon.

and

**WHEREAS**, City is the owner of a road right-of-way commonly referred to as "Kiechle Arm Road", located adjacent to Owner's property described hereinabove; and

**WHEREAS**, City desires to install a pipe to carry drain water from a culver currently installed under Kiechle Arm Road down the hill and near the existing driveway of Owner to a location on Owner's property below her house and away from a neighbor's boathouse, but sufficient distance away from any wetlands or the lake shore to ensure adequate bio swale area to filter out silt before any drain water reaches the wetlands or lake; and



**WHEREAS**, City desires an easement to periodically maintain such drainage to ensure it is operating properly in the future, provided, however, that City provides Owner with sufficient notice of intent to do maintenance on the drainage facility prior to entering on to the property to do such maintenance; and

**WHEREAS**, in exchange for providing the City access to install such drainage across Owner's property and a perpetual easement to maintain such drainage, Owner desires to have a culvert installed under Owner's driveway off of Kiechle Arm Road to collect water runoff from Kiechle Arm Road and convey it into the same drain pipe that will carry the drain water down and away from Owner's home and the structures located on Owner's neighbor's property; and

**WHEREAS**, Owner also desires the City install a new driveway apron over said culvert and to level out and smooth Owner's gravel driveway; and

**WHEREAS**, Owner also desires that vegetation existing between her property and her neighbor's property be retained in a manner that retains Owner's privacy from neighboring properties, and if the drainage installation project requires removal of some of the vegetation that provides such privacy, it should be replaced with similar vegetation.

**NOW, THEREFORE**, City and Owner agree as follows:

Owner hereby executes this Deed of Easement and Agreement for Construction of Drainage Facilities in favor of City and grants to City a perpetual easement for the placement of drainage facilities across Owner's property as described above that connects the culvert currently located under Kiechle Arm Road with a new underground pipe that will run near Owner's existing driveway and convey runoff drain water from Kiechle Arm Road down to an area on Owner's property that is below Owner's house, where the water will be allowed to spread out into the natural drainage area already in existence.

Owner also grants to City the perpetual right to repair and maintain the drainage facilities installed across Owner's property provided, however, that reasonable notice is provided to Owner of City's intent to enter on to the property for purposes of maintaining and/or repairing such drainage facilities.

In exchange for the execution of this Deed of Easement and Agreement for Construction of Drainage Facilities and Owner's grant of perpetual right to install and maintain the drainage facilities described herein, City will install a culvert under Owner's driveway off of Kiechle Arm Road and connect said culvert to the newly installed drainage ditch to carry Kiechle Arm Road runoff down the pipe and away from Owner's home.

For further consideration, the City agrees to repair and repave Owner's driveway apron, and to smooth out Owner's existing gravel driveway. The City further agrees that while the work is being done on Owner's property, the City will try not to disturb the vegetation that provides Owner privacy from her neighbors and, in the event such vegetation is disturbed so as to minimize such privacy, the City will replace such vegetation.

All construction contemplated to be done under the terms of this Agreement shall be at the sole cost and expense of City. Furthermore, City agrees to hold Owner harmless from any loss, damages, or injury claims resulting from the work conducted on Owner's property, provided, however, that such

loss, damages, or injury are directly related to the work done on the property and not caused by Owner's own negligence.

**IN WITNESS WHEREOF**, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

JULIANN S. ELLIS TRUST  
Dated July 10, 2003

DUNES CITY

By: \_\_\_\_\_  
JULIANN S. ELLIS, Trustee

By: \_\_\_\_\_  
JAMIE L. MILLS  
City Administrator

State of Oregon        )  
                              : ss.  
County of Lane        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public in and for the County and State aforesaid, personally appeared JULIANN S. ELLIS, known or proven to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal of office the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC

State of Oregon        )  
                              : ss.  
County of Lane        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public in and for the County and State aforesaid, personally appeared JAMIE L. MILLS, known or proven to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal of office the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC

## **ORDINANCE NO. 241**

**AN ORDINANCE REPEALING TITLE IX, CHAPTER 92 OF THE DUNES CITY CODE OF ORDINANCES; REPEALING ORDINANCE NUMBER 178, ADOPTED JUNE 9, 2005; ADDING A NEW TITLE IX, CHAPTER 92 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “ANIMAL CONTROL CODE”; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the Dunes City Council Adopted Ordinance No. 178, on June 9, 2005; and

**WHEREAS**, said Ordinance provides for the regulation of dogs and other animals within the corporate limits of Dunes City; and

**WHEREAS**, at the time of adoption of said Ordinance No. 178, Dunes City was a party to an Intergovernmental Agreement with the Lane County Animal Regulation Authority; and

**WHEREAS**, the Dunes City Intergovernmental Agreement with the Lane County Animal Regulation Authority expired in 2007; and

**WHEREAS**, the Lane County Animal Regulation Authority no longer exists and Lane County no longer provides animal control licensing and control services to small municipalities; and

**WHEREAS**, Oregon Revised Statutes, Section 609.015(2) prohibits the application of Lane County’s dog licensing and control program within the Dunes City limits because Dunes City has its own dog licensing and control program as established under Ordinance No. 178;

**NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1:** Title IX, Chapter 92, Animal Control Code, of the Dunes City Code of Ordinances, and Ordinance Number 178, adopted June 9, 2005, are hereby repealed and the following new Title IX, Chapter 92, Animal Control Code is hereby adopted to read as follows:

### **§ 92.01 ANIMAL CONTROL CODE SUPERCEDES STATE LAW.**

Dunes City Code §§ 92.01 through 92.99 shall be known as the “Animal Control Code.” The purpose of the Animal Control Code is to supersede, to the greatest extent allowed by law, the provisions of ORS Chapter 609 by providing Rules and Regulations governing the keeping, licensing, and control of dogs. These Code provisions do not supersede ORS 609.156, 609.162, and 609.168.

### **§ 92.02 DEFINITIONS.**

For purposes of this Chapter 92, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ANIMAL.** Any nonhuman mammal, bird, reptile, amphibian or fish.

**ANIMAL AGENCY.** Any public or private organization whether called a pound, kennel, shelter, society, or the like, that controls, shelters, cares for or disposes of dogs and cats as all or a part of the purposes of the organization. Animal agency does not include a veterinarian in private practice. Animal agency does include the agency's officers, agents and employees when acting in the name of or on behalf of the agency.

**ANIMAL SUSCEPTIBLE TO RABIES.** Any domesticated animal that has not been properly vaccinated against rabies. This also includes any raccoon, skunk, fox or coyote.

**BITE.** To seize or take hold of an area of the body, be it animal or human, clothed or unclothed, with teeth or jaws. A bite does not necessary have to result in breaking of the skin or creation of a wound.

**CODE ENFORCEMENT OFFICER.** The Dunes City Code Enforcement Officer, or his or her duly appointed and acting designee.

**DOG.** Any mammal of the *Canidae* family.

**DOG-OFF-LEASH AREA.** Any area within a city park designated by the City Council or the City Council's designee as an area in which dogs may be allowed to run off leash.

**DOG OWNER.** Any person who is the licensed owner of a dog, or who has a right of property in a dog, or who harbors a dog or who has it in their care, possession, custody or control or who knowingly permits a dog to remain on any premises occupied by the person. Except for purposes of Sections 92.21 and 92.22 herein, owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period less than Thirty (30) calendar days dogs owned by other persons.

Any person, except a veterinarian or commercial kennel operator, who resides where a dog is kept, harbored or cared for shall be presumed to be the owner of that dog. This presumption may be rebutted by proof that such person has no property right in the dog, is not the licensed owner, and is neither harboring nor caring for the dog.

**EUTHANASIA.** Putting an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.

**FIELD TRAINING.** A dog on exhibition in a dog show or a dog in obedience or field training exercises which is out of general automobile traffic and under the direct supervision of a handler who has in the handler's possession proof of obedience title or certificate of obedience for the animal in question.

**GOOD ANIMAL HUSBANDRY.** Includes, but is not limited to the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

**LEASH.** Any humane device constructed of rope, leather strap, chain or other sturdy material not exceeding Eight (8) feet in length, being held in the hand of a person capable of controlling the animal to which it is attached.

**LIVESTOCK.** Includes but is not limited to any cattle, llama, sheep, horse, goat, swine, fowl, and any fur-bearing animal bred and maintained commercially or otherwise within pens, cages or hutches.

**MUZZLE.** A device constructed of strong, soft material or metal placed over an animal's mouth to prevent the animal from biting any person or animal. The muzzle must be made in a manner that will not cause injury to the dog, or interfere with its vision or respiration.

**NEUTERED.** The removal of the ovaries and uterus, ovarian hysterectomy, in female dogs. The removal of the male gonads in male dogs. Any other method of neutering a dog which is certified and performed by a licensed veterinarian.

**NONCOMMERCIAL DOG KENNEL.** An establishment or premises where Three (3) or more dogs, over Six (6) months of age, are kept or maintained. Nor more than Two (2) of the dogs shall be used for breeding. The term does not include any animal hospital.

**PEACE OFFICER.** The term "Peace Officer" has the meaning given that term in ORS 133.005 and includes a member of the Oregon State Police, a sheriff or deputy sheriff, and a city police officer.

**PET OR DOMESTIC ANIMAL.** Any animal that is owned or possessed by a person, other than livestock.

**PHYSICAL INJURY.** Impairment of physical condition or substantial pain.

**POLICE ANIMAL.** A dog or horse used in police work under the control of a peace officer as defined in ORS 161.015, who has successfully qualified in the care and use of a police animal as required by state statutes, whether or not the animal is being so used at the time in question. Unless specifically referred to therein, neither a police service animal nor the officer using it is subject to any of the restrictions or regulations contained in Sections 92.01 to 92.99 of this Chapter 92.

**POSSESS.** To have physical possession or otherwise to exercise dominion or control over property.

**POTENTIALLY DANGEROUS.** A dog that has been found to engage in behavior specified in Section 92.27 of this Chapter 92.

***PRIVATE PRACTICE OF VETERINARIAN MEDICINE.*** The private practice of veterinarian medicine has its ordinary meaning, and includes private animal hospitals or clinics under the supervision or control of a veterinarian. The phrase also includes the agents and employees of a private animal hospital and clinic when acting in the name of or on behalf of such hospital or clinic.

***PUT TO DEATH.*** The taking of an act or series of actions for the purpose of intentionally causing death.

***RESPONSIBLE PERSON.*** For violations of this Chapter, the owner of a building or property where a violation or failure to comply has occurred, the person in charge of the building or property, the violator or the person failing to comply with the Dunes City Code, and where such person works for a contractor, either as an employee, subcontractor, or independent contractor, the contractor and/or other employer, and any licensee, permittee, or agent, manager or person in charge.

***SECURE ENCLOSURE.*** A structure in which an animal is confined such that the animal does not have access to humans or other animals. The structure will not be less than Eight (8) feet long, Four (4) feet wide and Five (5) feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than One (1) foot to prohibit the digging out of the animal. The top of the structure must be covered.

***SERIOUS PHYSICAL INJURY.*** Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

***VETERINARIAN.*** A person licensed by the State of Oregon to practice veterinary medicine.

***WATCHDOG.*** A dog confined at a business for the exclusive use of protecting people or property of said business.

### **§ 92.03      ANIMAL ABUSE.**

A.    *Animal abuse in the second degree.* A person commits the offense of animal abuse in the second degree if, except as otherwise authorized by law, the person causes physical injury to an animal. Animal abuse in the second degree is a Class 2 Violation.

B.    *Animal abuse in the first degree.* A person commits the offense of animal abuse in the first degree if, except as otherwise authorized by law, the person:

1.      Causes serious physical injury to an animal; or
2.      Cruelly causes the death of an animal.

Animal abuse in the first degree is a Class 1 Violation.

- C. Any practice of good animal husbandry is not a violation of this Section 92.03.

**§ 92.04 ANIMAL NEGLECT.**

A. *Minimum care required.* As used in this Section, “Minimum care” means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

1. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
2. Open or adequate access to potable water in sufficient quantity to satisfy the animal’s needs. Snow or ice is not an adequate water source.
3. In case of pets or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.
4. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
5. Pet or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants that could affect the animal’s health.

B. *Animal neglect in the second degree.* A person commits the offense of animal neglect in the second degree if, except as otherwise authorized by law, the person fails to provide minimum care for an animal in such person’s custody or control. Animal neglect in the second degree is a Class 2 Violation.

C. *Animal neglect in the first degree.* A person commits the offense of animal neglect in the first degree if, except as otherwise authorized by law, the person:

1. Fails to provide minimum care for an animal in such person’s custody or control; and
2. Such failure to provide care results in serious physical injury or death to the animal.

Animal neglect in the first degree is a Class 1 Violation.

**§ 92.05 EXEMPTION FOR LIVESTOCK, RODEO ANIMALS AND COMMERCIALLY GROWN POULTRY.**

Unless gross negligence can be shown, the provisions of Sections 92.03 to 92.04 of this Chapter 92 shall not apply to the treatment of livestock being transported by owner or common carrier, animals involved in rodeos or similar exhibits or commercially grown poultry.

**§92.06 ANIMAL ABANDONMENT.**

A. A person commits the offense of animal abandonment if the person leaves a domesticated animal at a location without providing for the animal's continued care. Animal abandonment is a Class 3 Violation.

B. It is no defense to the offense defined in subsection A of this Section that the animal was abandoned at or near an animal shelter, veterinary clinic or other place of shelter if reasonable arrangements were not made for the care of the animal.

**§ 92.07 FORFEITURE OF RIGHTS IN MISTREATED ANIMAL; COSTS; DISPOSITION OF ANIMAL.**

A. In addition to and not in lieu of any other penalty allowed pursuant to Dunes City Code, the Dunes City Code Enforcement Officer may require a person found to be guilty of the violations set forth in Sections 92.04 through 92.06 of this Chapter 92 to forfeit any rights of the person in the animal subjected to abuse, neglect or abandonment, and to repay the reasonable costs incurred by any person, Dunes City, or agency in caring for each animal subjected to abuse, neglect or abandonment.

B. When the Dunes City Code Enforcement Officer, orders a person's rights in the animal to be forfeited, the Code Enforcement Officer may further order that those rights be given over to an animal regulation authority for further disposition in accordance with this Chapter 92. This subsection shall not constitute or authorize any limitation upon the right of the animal regulation authority. A transfer of rights under this subsection constitutes a transfer of ownership.

**§ 92.08 ENTRY ONTO PRIVATE LAND.**

The Dunes City Code Enforcement Officer, or any peace officer, shall have the privilege of entering onto private land in the course of enforcing the provisions of this Code, but such shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

**§ 92.09 CARE OF STRAY ANIMALS.**

All persons must turn over to an animal regulation authority stray animals immediately after the person exercises authority over the animal or must notify the animal regulation authority and the City of Dunes City of the description of the animal and the address where the animal is



being kept and be prepared to retain possession of the animal for up to Three (3) days after the animal regulation authority and Dunes City are so notified.

#### **§ 92.10           IMPOUNDMENT OF ANIMALS.**

A.       Any peace officer or the Dunes City Code Enforcement Officer may impound an animal that is in violation of this Code.

B.       An animal shall be impounded if an owner of the animal has not posted bail or paid a fine for a violation of this Code imposed by the Code Enforcement Officer. For any animal so seized, the notice and disposition of the animal shall be in the same manner as for licensed dogs under the provisions of this Code.

C.       Any person whose property has been trespassed upon by any dog in violation of this Code or who observes a dog trespassing upon the property of another, or who observes a dog killing, chasing or injuring livestock, may immediately apprehend that dog and hold the dog until delivery to the Dunes City Code Enforcement Officer or to any peace officer. Any person who so impounds a dog must immediately notify the Dunes City Code Enforcement Officer of such impoundment. No person who has impounded a dog under this subsection shall fail to notify the Dunes City Code Enforcement Officer immediately. Failure to comply with the provisions of this Section 92.10(C) is a Class 4 Violation.

D.       If the Dunes City Code Enforcement Officer or a peace officer has probable cause to believe that a dog is a potentially dangerous dog level 1, 2, 3, or 4, he or she may impound the dog. If the Code Enforcement Officer or peace officer has probable cause to believe that the dog is a potentially dangerous dog level 5, then he or she shall impound the dog. The Code Enforcement Officer or peace officer shall hold the dog until any appeal of the Code Enforcement Officer's decision on the classification is held pursuant to Sections 92.28 of this Chapter 92 and a final disposition rendered.

E.       If the Code Enforcement Officer or peace officer has probable cause to believe that any animal which is in an unoccupied motor vehicle may be in danger of dying, then they may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed.

F.       If there is probable cause to believe that an animal is being subjected to treatment in violation of Sections 92.03 to 92.06 of this Chapter, the Dunes City Code Enforcement Officer, or a peace officer, after obtaining a search warrant in the manner authorized by law, may enter the premises where the animal is being held, provide food and water and impound such animal. If after reasonable search the owner or person having custody of such animal cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises within Seventy-Two (72) hours after the impoundment and such notice shall be sent by certified mail to the address at which the animal was impounded.

#### **§ 92.11           FAILURE TO SURRENDER ANIMAL.**

A. No person shall fail to surrender an animal to a person identifiable as the Dunes City Code Enforcement Officer or a peace officer upon their demand, so that the animal can be impounded or quarantined as provided for by this Chapter 92.

B. Failure to surrender an animal is a Class 2 Violation.

**§ 92.12 INITIALING A FALSE REPORT TO THE DUNES CITY CODE ENFORCEMENT OFFICER.**

A. A person commits the offense of initiating a false report to the Dunes City Code Enforcement Officer if a person contacts the Dunes City Code Enforcement Officer, any Dunes City staff member, or any Dunes City elected official in person, by telephone, in writing, by facsimile or other means and reports a violation of this Animal Control Code that the reporting person knows is false.

B. Initiating a false report to the Dunes City Code Enforcement Officer or any Dunes City staff member or elected official is a Class 1 Violation.

**§ 92.13 RESISTING THE DUNES CITY CODE ENFORCEMENT OFFICER OR PEACE OFFICER.**

A. “Resists” as used in this Section 92.12 means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person.

B. No person shall intentionally resist someone known by them to be a peace officer or the Dunes City Code Enforcement Officer who is enforcing any provision of this Chapter 92.

C. Resisting the Dunes City Code Enforcement Officer or a peace officer is a Class 1 Violation.

**§ 92.14 IMPOUNDING REGULATIONS AND DISPOSITION OF IMPOUNDED ANIMALS.**

A. The Dunes City Code Enforcement Officer or any animal regulation authority shall keep any animal impounded for the period of time herein specified. A daily record of such animals shall be kept at the place of impoundment and shall be made available to the public. The Dunes City Code Enforcement Officer or animal regulation authority shall dispose of such animals in accordance with the following provisions:

1. An unlicensed dog or a dog for which the owner is unknown which has not been redeemed within Seventy-Two (72) hours after impoundment may be sold, adopted or destroyed.

2. Except as provided in subsection 92.14(A)(3), a licensed dog for which the owner is known which has not been redeemed within One Hundred and Twenty (120) hours

of notification of the owner by telephone contact or by mailing or by email or by posting at the owner's dwelling the impoundment notice, may be sold, adopted or destroyed.

3. A licensed potentially dangerous dog for which the owner is known may be destroyed if the owner, after receiving notice of impoundment as provided in Section 92.14(B):

a. Fails to notify the Dunes City Code Enforcement Officer within One Hundred and Twenty (120) hours of the owner's intent to redeem the dog; or

b. Fails to redeem the dog or appeal the classification within Ten (10) days.

4. Except when state law mandates a different disposition procedure, all animals other than dogs shall be disposed of as provided in Section 92.14(A)(1).

5. Notwithstanding the previous subsections, abandoned or unwanted litters of animals aged Two (2) months or less may be destroyed immediately or, in the alternative, adopted or sold to any person. This provision does not apply to litters impounded following a search of premises as provided in Section 92.27 of this Chapter 92.

B. Except as provided in Section 92.14(A), the Dunes City Code Enforcement Officer shall notify the owner by telephone or by the mailing of an impoundment notice within Twenty-Four (24) hours after impoundment that the animal will be destroyed within One Hundred and Twenty (120) hours after such notification. The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for the redemption of the animal, the fees for impoundment, daily care and redemption, and the consequences of failure to redeem the animal.

C. Any animal unclaimed within Twenty-Four (24) hours of an order authorizing redemption or release shall be destroyed, adopted or sold.

D. If an order is entered by the Dunes City Code Enforcement Officer for an animal to be destroyed, execution of the order may be stayed for up to Five (5) years after the date of said order, providing that the dog owner and the City, within Ten (10) days of the order, present an agreement for approval to the Dunes City Council signed by both parties and providing:

1. For restitution to be paid to the person injured, if applicable, including damages resulting from the injury to or destruction of livestock, and

2. For safeguards that will help to ensure that the animal does not engage in such conduct again, including, but not limited to, requirements that the owner build a run for the animal before it is released, fence their yard or have the animal live elsewhere in a secure setting, and agree not to own any other animal on the property where the owner resides, and

3. That if the animal is found to be in violation of the safeguards that have been imposed, it may be immediately impounded by the Dunes City Code Enforcement Officer

or his or her designee or a peace officer or any other person and destroyed without further hearing, unless the animal owner requests a hearing in writing to the Dunes City Council within Twenty-Four (24) hours after the animal owner is notified that the animal is impounded. If the owner cannot be personally notified that the animal has been impounded, the animal may be destroyed Four (4) days after a notice of impound is mailed to the owner's last known address, unless the owner requests a hearing before then. The hearing will be limited to a determination as to whether the agreement has been violated.

E. If an order is entered by the Code Enforcement Officer for an animal to be destroyed, execution of the order shall be stayed for Ten (10) days to allow the filing of a notice of appeal. In the event a notice of appeal is filed within Ten (10) days, the animal shall not be destroyed until the disposition of the appeal and only if the Code Enforcement Officer's order is upheld.

F. Notwithstanding the previous subsections, any animal given to the Code Enforcement Officer may be destroyed immediately or, in the alternative, adopted or sold to any person. The owner shall pay a fee for handling the unwanted animal. For purposes of this section only, an owner is a person who has had the animal in their care, possession, custody, or control for Six (6) weeks or more.

G. Notwithstanding the previous subsections, certain sick or injured animals may be destroyed immediately pursuant to the provisions of Section 92.21 of this Code.

#### **§ 92.15 IMPOUNDMENT – REDEMPTION AND SALE.**

A. Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges:

1. Impoundment fee;
2. Daily care fee;
3. License and rabies vaccination fees, if required;
4. Medical care fees, if required; and
5. Potentially dangerous dog license fees, if required.

B. In addition to the requirements of Section 92.15(A), a dog that has been classified as potentially dangerous shall not be released until the owner presents to the Code Enforcement Officer sufficient evidence of compliance with the restrictions imposed by Section 92.27. The owner shall have Ten (10) days from the time the owner receives the impoundment notice in which to comply with the potentially dangerous dog restrictions. No dog impounded because of level 5 behavior shall be released until the completion of any appeal requested by the owner of the dog pursuant to Sections 92.27 and 92.28 of this Chapter 92.

C. Impounded animals may be sold, adopted or destroyed after the applicable holding time.

D. When an animal is sold or adopted out by the Dunes City Code Enforcement Officer, the purchaser or adopter shall pay any required license and rabies vaccination fees.

E. No impoundment charge shall be made for an animal released after:

1. The Code Enforcement Officer's determination that no violation occurred.
2. The Code Enforcement Officer's decision is successfully appealed.
3. A potentially dangerous dog classification is successfully appealed.

F. No live animal shall be used, sold or given by the Dunes City Code Enforcement Officer for surgical or medical demonstration or research.

G. Except as otherwise provided, if after Seventy-Two (72) hours an impounded animal cannot be sold, the animal regulation authority is authorized and empowered to destroy the animal by any humane method permitted under state law.

H. If an animal is adopted or sold by the Dunes City Code Enforcement Officer, or by any other agency which accepts unwanted or abandoned animals, the owner must have the animal spayed or neutered within Six (6) months from the date of sale if the animal is too young to be spayed or neutered immediately. If an animal over Six (6) months old is adopted or sold by the Code Enforcement Officer or any agency which accepts unwanted or abandoned animals, the animal shall be spayed or neutered within One (1) month after it is turned over to its new owner. Failure of the new owner to comply with the provisions of this Code Section is a Class 1 Violation.

I. No person who is the owner of an animal shall fail to reclaim it from the Dunes City Code Enforcement Officer within the time specified in the notification that the animal is ready to be released. A failure to comply with the terms of this subsection is a Class 3 Violation.

## **§ 92.16 LICENSES, FEES AND EXCEPTIONS.**

A. *Dog Licenses.*

1. The City authorizes the Dunes City Code Enforcement Officer, to issue dog licenses to residents of Dunes City.

2. Every owner of a dog that has a set of permanent canine teeth or has attained the age of Six (6) months, whichever event occurs first, shall immediately obtain a license for the dog. If the dog owner moves into the City and the owner's dog does not have a current dog license from another city or county, the owner must obtain a license within Five (5) business days of moving into the City.

3. Licenses shall be valid for One (1), Two (2) or Three (3) years from the date of issuance or until the sale or gift of the dog, whichever first occurs.

4. No license shall be issued until a certificate of vaccination for rabies, valid for the term of the license is presented to the Code Enforcement Officer.

5. Dog owners shall renew the dog license before it becomes delinquent for as long as they own the dog. A late fee may be charged if the license is renewed after it has become more than Thirty (30) days delinquent.

6. A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog for which it is issued. If a license tag is lost, the owner may obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.

B. The dog license fees shall be the set by Resolution adopted by the City Council and may be changed or amended from time to time also by adopted Resolution of the City Council. The fee is due and payable upon the issuance of the license. A person who purchases a kennel license does not have to license the individual dogs as long as they live at the kennel. Also, a person who purchases a license for a commercial breeding kennel need not also obtain a commercial kennel or noncommercial kennel license, and a person who purchases a commercial kennel license need not obtain a noncommercial kennel license if they choose to operate such a kennel.

C. *License Fees – Exceptions.*

1. No license fee shall be required for any dog owner who needs and uses the dog as a service dog. A license shall be issued for such dog upon proper proof of rabies vaccination, upon proper proof of doctor's prescription advising the owner needs a service or therapy dog, and upon filing of an affidavit by the person confirming that the dog is currently trained to perform functions that directly assist the owner with his or her disability. Such affidavit shall be filed with the Dunes City Code Enforcement Officer.

2. Only as part of a publicized city-wide campaign to license dogs owned by residents of the City and for a period not to exceed Thirty (30) days, periodically the City Council may waive all or part of the neutered dog license fee required in this Chapter 92.

D. After application upon a form to be provided by the Dunes City Code Enforcement Officer, a permit may be issued to the license owner of a dog to use that dog as a watchdog. The fee for such permit shall be in addition to the individual dog license fee.

E. If a dog is classified as a potentially dangerous dog, the owner shall obtain a separate license for the dog as well as a regular dog license. The owner shall obtain the potentially dangerous dog license within Ten (10) days of the time the dog is classified and annually thereafter. The Dunes City Code Enforcement Officer shall issue or renew a potentially dangerous dog license provided:

1. The owner presents to the Code Enforcement Officer sufficient evidence of compliance with the restrictions imposed by Section 92.27 of this Code; and

2. The owner pays a potentially dangerous dog license fee in the amounts established by the City Council.

F. If a dog owner has been fined or the dog owner's dog has been classified or registered in another state, county, or city because the dog engages in the behaviors described in Section 92.27 of this Chapter 92, the owner shall notify the Dunes City Code Enforcement Officer of such classification, registration, or fine at the time the owner licenses the dog in Dunes City. If the Code Enforcement Officer classifies the dog pursuant to Section 92.27 of this Chapter 92, the owner shall meet the requirements of Sections 92.29(A)(2) and 92.29(A)(5), except that the initial potentially dangerous dog license fee will be as established by the City Council for previously classified dogs.

#### **§ 92.17 KENNEL LICENSE.**

A. No person shall operate a kennel, whether commercial or non-commercial, without the appropriate kennel license. Kennel licenses shall be valid for One (1) year from the date of issuance.

B. No kennel license shall be issued under this Section to anyone in nonconformity with Chapter 92 of Dunes City Code.

C. The following provisions shall govern revocation of licenses:

1. Three (3) or more violations of any Section of this Chapter 92 within a period of Twelve (12) calendar months shall result in a Notice and Order of revocation of licenses granted under this Section 92.17. Such notice and order shall include a general statement of the reasons for the license revocation and the process to appeal the decision.

2. Such revocation order may be appealed to the City Council within Ten (10) days by the filing of a Notice of Appeal with the Dunes City Administrator and paying the requisite appeal filing fee. Upon receipt of the notice of appeal and filing fee, the matter will be set for hearing at the next regularly scheduled City Council session.

3. The decision of the City Council on appeal is final.

#### **§ 92.18 USES OF A WATCHDOG.**

Any business using a watchdog shall conspicuously post the premises to warn the public of the watchdog. The dog shall not be allowed access to the public that is on the property during business hours. If the dog is used outside of a building, the property shall be fenced in a way to prohibit the dog access to any public right-of-way and other property.

**§ 92.19           REPORTING OF BITING ANIMALS.**

The owner of an animal susceptible to rabies which bites a human being shall immediately notify the Dunes City Code Enforcement Officer or the Lane County Health Officer of such bite, the time and circumstances of such bite and the name and address of the person bitten, if known.

**§ 92.20           BITING AND RABID ANIMALS – QUARANTINE.**

A.     When the Dunes City Code Enforcement Officer, any Dunes City official, or the departments of public health and human services or public safety of Lane County have grounds to suspect that an animal is infected with the disease of rabies, there shall be delivered to the owner of the animal a written notice thereof. The animal shall thereupon be quarantined at the owner's expense as provided by state law. The biting of any person by the animal shall constitute adequate grounds for suspecting the animal to be so infected. The delivery of the notice to a member of the owner's family Fifteen (15) years of age or older at the premises where the animal is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

B.     Any animal that has been bitten by another animal proved to be rabid shall be destroyed.

C.     If an animal exhibits symptoms of rabies while it is under quarantine, the director of the department of health and human services for Lane County may order in writing that it be destroyed and its head be submitted as directed to the Oregon Public Health Laboratory.

**§ 92.21           SICK OR INJURED ANIMALS.**

A.     Any sick or injured animal found by a peace officer or the Dunes City Code Enforcement Officer off the premises of its owner shall be delivered to its owner if it is feasible to do so. Any such animal for which the owner is either unknown or cannot be reached after reasonable attempts to do so may be impounded. The Dunes City Code Enforcement Officer shall determine whether the animal is so severely injured or incurably crippled that the humane thing to do would be to destroy the animal. If the Code Enforcement Officer reasonably believes the animal should be destroyed, the animal may be destroyed immediately. If the Code Enforcement Officer reasonably believes the animal should not be destroyed and that treatment is necessary, the animal may be delivered by Dunes City Code Enforcement Officer to a veterinarian for medical treatment. If the veterinarian determines that treatment should be given, such treatment may be given provided, however, the animal may be destroyed if not claimed by its owner within Seventy-Two (72) hours after being delivered to the veterinarian.

B.     Any peace officer or the Dunes City Code Enforcement Officer may humanely destroy any animal too severely injured to move and not on the property of its owner, when the owner is either unknown or cannot be reached after reasonable attempts to do so.

C.     Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be as determined by separate contracts between Dunes City and individual veterinarians.



D. The owner of the animal shall be liable to the veterinarian and to Dunes City, or its duly appointed designee, for all expenses which are incurred for the care of said animal.

**§ 92.22 DOGS AT LARGE PROHIBITED.**

A. No dog owner shall permit a dog to be at large.

B. A dog owner is deemed to be negligent per se for the actions of a dog at large, or a dog undergoing field training, or a dog in a dog-off-leash area, when the dog causes injury to a person or property.

C. Committing the infraction of a dog at large is a Class 4 Violation.

**§ 92.23 CONTINUOUS ANNOYANCE.**

A. No animal owner shall permit any animal to cause continuous annoyance.

B. Committing the infraction of a continuous annoyance is a Class 3 Violation.

**§ 92.24 POSSESSION OF FIGHTING ANIMALS.**

A. A person commits the offense of possession of fighting animal(s) if the person has in his or her possession, care, custody or control an animal which is trained to fight another animal, is being trained to fight another animal, has fought another animal in an arranged fight or is intended to fight another animal.

B. Animal pounds, shelters, and humane societies are exempt from the provisions of this Section 92.24.

C. The Dunes City Code Enforcement Officer shall immediately seize any animal reasonably believed to be an animal either used or intended or reasonably believed to be intended for use in animal fighting. Said animal shall be detained pending adjudication of the violation.

D. Procuring animals for fight training purposes, including smaller “bait animals” such as cats, rabbits or small dogs, is prohibited.

E. Possession of a fighting or bait animal is a Class 1 Violation.

**§ 92.25 CAPTURING AND KILLING OF DOG OR CAT.**

A person who, except as otherwise permitted by law, obtains, captures, or otherwise acquires a dog or a cat intending to kill it, and who subsequently does so, commits a Class 1 Violation.

**§ 92.26            POSSESSION OF A STOLEN ANIMAL.**

1.        A person commits the offense of possession of a stolen animal if a person has in his or her care, custody, possession or control an animal not owned by that person and not placed by the owner/caretaker of that animal, in the persons care, custody or control.

2.        Exempt from this Section are animal welfare organizations, persons in the act of taking a stray animal to a welfare organization, taking an animal for emergency veterinary treatment or alteration, caring for a stray animal or returning or attempting to return a lost animal to the rightful owner. It is not required under this Section 92.26 that the animal be reported as stolen to a police agency.

3.        Possession of a stolen animal is a Class 1 Violation.

**§ 92.27            POTENTIALLY DANGEROUS DOG.**

A.        The purpose of this section is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, domestic animals or livestock or property are identified and subjected to precautionary restrictions in order to prevent initial or additional injuries.

1.        Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock. Level 1 behavior is a Class 4 Violation.

2.        Level 2 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person. Level 2 behavior is a Class 3 Violation.

3.        Level 3 behavior is established if a dog, while at large, bites or causes physical injury to any domestic animal or livestock. Level 3 behavior is a Class 3 Violation.

4.        Level 4 behavior is established if a dog bites any person. Level 4 behavior is a Class 2 Violation.

5.        Level 5 behavior is established if:

a.        A dog, whether or not confined, causes the serious injury or death of any person; or

b.        A dog, while at large, kills any domestic animal; or

c.        A dog, while at large, kills any livestock; or

d.        A dog engages in or is found to have been trained to engage in exhibitions of fighting; or

e. A dog that has been classified as a Level 4 potentially dangerous dog repeats the behavior described in Section 92.27(A)(4) after the owner receives notice of the Level 4 behavior classification.

Level 5 behavior is a Class 1 Violation.

B. Notwithstanding Section 92.27(A), the Dunes City Code Enforcement Officer shall have discretion to refrain from classifying a dog as potentially dangerous even if the dog has engaged in the behaviors specified in subsection 92.27(A) if the Dunes City Code Enforcement Officer determines that the behavior was a result of the victim abusing or tormenting the dog or other extenuating circumstances.

C. No dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser on the property of a business which owns a licensed watchdog, providing the owner has complied with Section 92.18 of this Chapter 92.

D. No dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser that has illegally entered any residence.

E. Upon application of the dog owner accompanied by the fee established by the City Council, the restrictions for a dog classified under subsection 92.28(A) shall be reviewed by the Dunes City Code Enforcement Officer after Six (6) months for dogs classified as Level 1 or Level 2 and after One (1) year for dogs classified as Level 3 or higher. If the dog owner can show that the behavior that caused the classification has been corrected to the satisfaction of the Dunes City Code Enforcement Officer, then the Code Enforcement Officer may enter an order modifying or deleting the classification.

#### **§ 92.28 IDENTIFICATION OF POTENTIALLY DANGEROUS DOGS; APPEALS, RESTRICTIONS PENDING APPEAL.**

A. The Dunes City Code Enforcement Officer shall have authority to determine whether any dog has engaged in behaviors specified in Section 92.27. This determination shall be based upon an investigation that includes observation of the dog's behavior by the Dunes City Code Enforcement Officer, Dunes City staff or elected officials, or other witnesses who personally observed the behavior and sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior, if necessary. The determination may also be based on evidence that the dog's owner was fined or the dog was classified or registered in another state, county or city because the dog engaged in behaviors specified in Section 92.27.

B. The Dunes City Code Enforcement Officer shall give the dog's owner written notice by certified mail or personal service containing a description of the dog's specific behavior, classification as a potentially dangerous dog and the additional restrictions applicable to that dog by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the Code Enforcement Officer's decision to the City Council by

filing a Notice of Appeal and paying the requisite appeal fees within Ten (10) days of the date the notice was received by the owner by certified mail or the owner was personally served.

C. The City Council shall hear the appeal from the Code Enforcement Officer's decision to classify a dog as potentially dangerous. The owner and any other persons having relevant evidence concerning the dog's behavior as specified in Section 92.27 shall be allowed to present testimony. The City Council's decision will be final.

D. Once the owner has received notice of the dog's classification as a Level 1 to Level 4 potentially dangerous dog pursuant to Section 92.28(B), the owner shall comply with the restrictions specified in the notice within Ten (10) days, unless the owner appeals it to the City Council. If the Code Enforcement Officer's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment and the costs incurred by the City for processing and hearing the appeal.

E. If the Code Enforcement Officer finds that a dog has engaged in Level 5 behavior, the dog shall be impounded pending completion of all appeals. If the Code Enforcement Officer's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment and the costs incurred by the City for processing and hearing the appeal.

## **§ 92.29 REGULATION OF POTENTIALLY DANGEROUS DOGS.**

A. In addition to the other requirements of all Sections of this Chapter 92 and restrictions that the Code Enforcement Officer deems reasonable under the circumstances, the owner of a potentially dangerous dog shall comply with the following regulations:

1. If the dog has engaged in Level 1 or Level 2 behavior, the owner shall provide a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property, and shall restrict the dog by such a device or structure whenever the dog is outside the owner's home and not on a leash off the owner's property.

2. If the dog has engaged in Level 3 behavior, the owner shall provide a secure enclosure and confine the dog within such enclosure whenever the dog is not on a leash off the owner's property or inside the home of the owner. The owner shall also post Dunes City Code Enforcement Officer approved warning signs on the property where the dog is kept.

3. If the dog has engaged in Level 4 or Level 5 behavior, the owner shall meet the requirements of subsection 92.29(A)(2) and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person over the age of 18.

4. Any dog that has been found to have engaged in Level 4 or 5 behavior may be euthanized by order of the Code Enforcement Officer or by order of the City Council, provided the dog's behavior poses a significant risk of additional injury or death and the owner fails to provide sufficient evidence of compliance with the restrictions imposed by this Section 92.29. In addition, the Code Enforcement Officer or the City Council has the authority to

suspend the Level 5 dog owner's right to be the owner of any dog in the City, including dogs currently owned by that person.

5. To ensure correct identification, the owner of a dog that has been classified as potentially dangerous shall cause the dog to wear an identifying collar and ID tag.

6. In addition to obtaining a regular dog license, the owner shall obtain a potentially dangerous dog license pursuant to Sections 92.16(B) and 92.16(E) of this Chapter.

7. The owner of a potentially dangerous dog shall notify the Code Enforcement Officer of the transfer of ownership by sale, gift or otherwise of the potentially dangerous dog and the name and address of the person to whom the potentially dangerous dog was transferred.

B. No person shall own a dog in violation of this Section 92.29 or on the order of the Code Enforcement Officer or City Council pursuant to Section 92.29(A)(4).

#### **§ 92.30 DANGEROUS ANIMALS.**

A. No person who is the owner of a dangerous animal, or who has a right of property in, or who harbors, has in their care, possession, custody or control a dangerous animal, shall allow a dangerous animal to be exposed to the public.

B. A dangerous animal which has been exposed to the public may be impounded by any peace officer or the Code Enforcement Officer and disposed of in accordance with the provisions of this Code for the impoundment and disposition of animals, except, before a dangerous animal is released, the Code Enforcement Officer, must enter findings that proper precautions will be taken to insure the public health and safety.

C. A dangerous animal running at large which, because of its disposition or diseased condition, is too hazardous to apprehend may be destroyed by a peace officer, the Code Enforcement Officer, or by a person acting in defense of that person's own self or another person.

D. Violation of this Section 92.30 is a Class 3 Violation.

#### **§ 92.31 RIGHT TO KILL A DOG.**

A. Any dog which, while off its owner's premises, kills, wounds, or injures a human or domestic animal may be killed immediately by any person.

B. Any dog which chases, kills or injures livestock not belonging to the owner, while off the premises owned or under the control of its owner, may be killed immediately by any person.

C. Any person who shoots an animal shall immediately notify the Dunes City Code Enforcement Officer of the shooting, giving a description of the animal, the time and circumstances of the shooting and the name and address of the animal's owner, if known. This Section 92.31(C) does not apply in the case of an animal being shot by the animal's owner.

D. A violation of this Section 92.31 is a Class 1 Violation.

**§ 92.32 LIVESTOCK NOT TO RUN AT LARGE.**

A. No person who is the owner or keeper of livestock shall permit or allow the same to run or be at large or to be on or enter the premises of another person.

B. Violation of this Section 92.32 is a Class 4 Violation.

**§ 92.33 PARKING OR TETHERING HORSES ON STREETS PROHIBITED.**

A. No person who is the owner or keeper of a horse shall park it or tether it on a public way or allow it on a public way or in a park except under the direct control of a qualified person.

B. Violation of this Section 92.33 is a Class 4 Violation.

**§ 92.34 DOG WASTE MATTER.**

A. It shall be unlawful for a dog owner to allow the dog, except for seeing eye dogs, to deposit solid waste matter on any improved property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

B. Violation of this Section 92.34 is a Class 4 Violation.

**§ 92.35 DEAD ANIMALS – REMOVAL OF CARCASSES.**

No person shall knowingly permit an animal carcass owned by that person to remain on public property or to be exposed on private property. Violation of this Section 92.35 is a Class 4 Violation.

**§ 92.36 ANIMAL EUTHANASIA.**

A. No animal agency may put to death a dog or cat by any means other than an injection of sodium pentobarbital administered by a veterinarian, animal technician or person licensed by the Oregon State Veterinary Medical Examining Board to administer sodium pentobarbital.

B. No veterinarian or private practice of veterinarian medicine may put to death a dog or cat under the veterinarian's care, custody or control by any means other than the injection of a drug administered by the veterinarian or animal technician.

C. Violation of this Section 92.36 is a Class 3 Violation.

**§ 92.37 SELLING, TRADING, BARTERING OR GIVING AWAY ANIMALS IN CERTAIN LOCATIONS PROHIBITED.**

No person shall sell, trade, barter or give or offer to give away any animal to another person in a city park or property owned by the City. Violation of this Section 92.37 is a Class 4 Violation.

**§ 92.38 SALE, ETC., OF BABY CHICKS, DUCKLINGS, GOSLINGS OR RABBITS.**

A. No baby chick, duckling, gosling or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale, raffled, offered or given as a prize, premium or advertising device or displayed in a store, shop, carnival or other public place.

B. Baby chicks, ducklings and goslings younger than Four (4) weeks of age may not be sold or offered for sale, raffled or offered or given as a prize, premium or advertising device in quantities of less than Twelve (12) birds to an individual person.

C. Stores, shops, vendors and others offering baby chicks, ducklings or goslings for sale, raffle or as a prize, premium or advertising device or displaying chicks, ducklings or goslings to the public shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings or goslings in good health and shall keep adequate food and water available to the birds at all times.

D. Violation of this Section 92.38 is a Class 3 Violation.

**§ 92.39 DOGS IN SEASON (ESTRUS).**

No person shall permit a dog in heat (estrus) to be accessible to male dogs not in the person's ownership, except for intentional breeding purposes. A violation of this Section 92.39 is a Class 3 Violation.

**§ 92.40 INTERFERENCE WITH POLICE ANIMAL.**

A. *Interference with a police animal in the second degree.* A person commits the crime of interference with a police animal in the second degree if the person:

1. Intentionally, knowingly or recklessly torments, interferes with or tampers with a police animal while the police animal is being used in the lawful discharge of its duty; or

2. Intentionally torments or seeks to cause injury to a police animal at any time if the person knows that the animal is a police animal; or

3. Causes or directs any animal to attack or otherwise interfere with a police animal while the police animal is being used in the lawful discharge of its duty. A peace officer may destroy an animal attacking a police animal if no lesser means are reasonably available to prevent injury to the police animal.

4. Interference with a police animal in the second degree is a Class 2 Violation.

B. *Interference with a police animal in the first degree.* A person commits the crime of interference with a police animal in the first degree if the person intentionally or knowingly injures or attempts to injure an animal the person knows or reasonably should know is a police animal while the police animal is being used in the lawful discharge of its duty. Interference with a police animal in the first degree is a Class 1 Violation.

#### **§ 92.41 CLASSIFICATION OF VIOLATIONS OF ANIMAL REGULATIONS.**

The failure to comply with Dunes City's provisions for animal regulation, unless provided otherwise, shall be classified for the purposes of establishing civil penalties into one of the following categories of violation:

A. *Class 1 Violation.* For a Class 1 Violation, the monetary penalty shall be no less than \$100, nor more than \$500 for a first occurrence. For a second Class 1 Violation occurring within Twelve (12) months from the date of the first occurrence, the monetary penalty shall be no less than \$200, nor more than \$500. For a third Class 1 Violation occurring within a Twelve (12) month period from the date of the first occurrence, the monetary penalty shall be \$500.00

B. *Class 2 Violation.* For a Class 2 Violation, the monetary penalty shall be no less than \$50, nor more than \$250 for the first occurrence. If the responsible person had a prior occurrence of a Class 1 or 2 Violation within Twelve (12) months from the date of the first occurrence, the monetary penalty shall be no less than \$100, nor more than \$250. If the responsible person had Two (2) prior occurrences for a Class 1 or 2 Violation within a Twelve (12) month period for the date of the first occurrence, the monetary penalty shall be \$250.00

C. *Class 3 Violation.* For a Class 3 Violation the monetary penalty shall be \$25 for the first occurrence, \$35 for the second occurrence, \$45 for the third occurrence, and \$55 for each subsequent occurrence within any Twelve (12) month period of time.

D. *Class 4 Violation.* For a Class 4 Violation, the monetary penalty shall be not less than \$10, nor more than \$150 for the first occurrence. If the responsible person had a prior violation within Twelve (12) months from the date of the first occurrence, the fine shall be not less than \$40, nor more than \$150. If the responsible person had Two (2) prior occurrences of a Class 1, 2 or 3 Violation within Twelve (12) months of the date of the first offence, the monetary penalty shall be \$150.00.



§ 92.42 to 92.99 are reserved.

**Section 2. Repeal.** Title IX of the Dunes City Code of Ordinances is amended to repeal Chapter 92 in its entirety, Ordinance No. 178 is also hereby repealed. The repeal of Ordinance Number 178 and Chapter 92 shall not affect any action occurring before the repeal takes effect.

**Section 3. Administrative Fees.** The City Council shall, by resolution, establish and amend fees to cover all or a portion of the expense of implementing and administering this Ordinance.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision shall not have the effect of invalidating or voiding the remainder of this Ordinance, and the part(s) of this Ordinances so held to be invalid, unenforceable, and/or void shall be deemed stricken, and the remainder of this Ordinance shall have the same force and effect as if such stricken part(s) had never been included.

**Section 5. Effective Date.** This Ordinance shall take effect Thirty (30) days from and after the date of adoption.

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The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_ Vacant: \_\_\_\_\_

ADOPTED BY THE DUNES CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

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Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2016, NO. 11 (11-10-2016)**

**A RESOLUTION ADOPTING FORMS AND FEES FOR THE IMPLEMENTATION OF  
THE PROVISIONS OF CHAPTER 92, THE DUNES CITY ANIMAL CONTROL CODE  
AS ADOPTED IN ORDINANCE NO. 241.**

**WHEREAS**, the Dunes City Council adopted and approved Ordinance No. 241, repealing and replacing Chapter 92 of the Dunes City Code, entitled Animal Control Code, on November 11, 2016, to become effective immediately; and

**WHEREAS**, the provisions of said Ordinance No. 241 authorize the Dunes City Council to approve forms and fees to be collected in the implementation of the provisions of Ordinance No. 241, relating to Chapter 92 of the Dunes City Code, entitled Animal Control Code.

**NOW, THEREFORE**, the City of Dunes City hereby resolves as follows:

1. That the attached forms, entitled City of Dunes City Dog License Application and City of Dunes City Dangerous Dog Classification License Application be, and hereby are, adopted and shall take effect immediately.

2. That the attached fee schedule for actions related to the implementation of Ordinance No. 241 be, and hereby is, adopted and shall take effect immediately.

**ADOPTED BY THE DUNES CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_ Vacant: \_\_\_\_\_

\_\_\_\_\_  
Maurice Sanders, Council President

ATTEST:

\_\_\_\_\_  
Jamie Mills, City Administrator



**DOG LICENSE #** \_\_\_\_\_

**EXPIRATION DATE:** \_\_\_\_\_

**Spayed/Neutered?** \_\_\_\_\_ Yes \_\_\_\_\_ No

**Breed:** \_\_\_\_\_ **Gender:** \_\_\_\_\_ Male \_\_\_\_\_ Female

**Rabies Exp. Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **Dog's date of birth:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Dog's Name:** \_\_\_\_\_ **Color:** \_\_\_\_\_

**Chipped:** \_\_\_\_\_ Yes \_\_\_\_\_ No **Chip Number:** \_\_\_\_\_

**Primary Care Vet:** \_\_\_\_\_ **Vet's phone number:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Home Telephone #** \_\_\_\_\_ **Cell #** \_\_\_\_\_

**Other Telephone #** \_\_\_\_\_ **Email:** \_\_\_\_\_

**For City Use Only:**

**Fee Paid \$** \_\_\_\_\_ **Cash** \_\_\_\_\_ **Check No.** \_\_\_\_\_

**Collected by:** \_\_\_\_\_

**Prior License No.** \_\_\_\_\_

**Rabies Certificate Expiration Date:** \_\_\_\_\_

**Exempt due to:** \_\_\_\_\_ **Too Young** \_\_\_\_\_ **Vet Certificate**

**Delivered copy of Animal Control Code** \_\_\_\_\_ Yes \_\_\_\_\_ No



**CITY OF DUNES CITY DANGEROUS DOG  
CLASSIFICATION LICENSE APPLICATION**

**Circle the applicable fee:**

CLASS	CITY CODE	DD LICENSE	DD RENEWAL
Level 1	92.23(1)	\$40.00	\$20.00
Level 2	92.23(2)	\$60.00	\$30.00
Level 3	92.23(3)	\$80.00	\$40.00
Level 4	92.23(4)	\$100.00	\$50.00
Level 5	92.23(5)	\$200.00	\$100.00

**Please Print:**

Dog License # \_\_\_\_\_

Dog's Name: \_\_\_\_\_

Breed: \_\_\_\_\_ Color: \_\_\_\_\_

Chip # (if applicable): \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone # \_\_\_\_\_ Cell # \_\_\_\_\_

Email: \_\_\_\_\_

**For City Use Only:**

Fee Paid \$ \_\_\_\_\_ by Cash \_\_\_\_\_ Check # \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Dunes City Animal Code fees  
(Adopted 11-11-2016)

Licenses:							
					1 year	2 years	3 years
Regular Dog (Not spayed or neutered)					\$42.00	\$66.00	\$84.00
Spayed or Neutered Dog					\$18.00	\$30.00	\$42.00
Regular Dog (Not spayed or neutered) - person over 62 yrs					\$42.00	\$66.00	\$84.00
Spayed or Neutered Dog - person over 62 yrs					\$14.00	\$24.00	\$34.00
Noncommercial Kennel (1 to 8 dogs)					\$180.00	N/A	N/A
Commercial Kennel					\$300.00	N/A	N/A
Watchdog					\$30.00	N/A	N/A
Replacement Tag					\$5.00	\$5.00	\$5.00
Dangerous Dog License:					Initial	Renewal	
Level 1					\$40.00	\$20.00	
Level 2					\$60.00	\$30.00	
Level 3					\$80.00	\$40.00	
Level 4					\$100.00	\$50.00	
Level 5					\$200.00	\$100.00	
Impoundment Fee					\$50.00		
Daily Care Fee					\$20.00		
Medical Care Fee					As incurred		
rabies vaccination fees					As incurred		

Web Advertising Summary  
November 10, 2016

Date	Name	Contact	Billed
1/15/2016	TR Hunter	Tim Sapp	paid \$150 both year
1/20/2016	Darlings Resort	Lorie Olsen	paid \$75 year Box
1/21/2016	Caudwell Banker	Andrew Johnson	paid \$150 both year
	Rates:		
	\$75 Box a year		
	\$100 year Banner		
	\$150 both year		



## Real Estate



### WELCOME TO COLDWELL BANKER COAST REAL ESTATE

Coldwell Banker Coast Real Estate is a cornerstone of the Florence business community. Located next to the historic Siuslaw River bridge at 100 Highway 101, Florence, Oregon, With a half century of market experience, the professionals at Coast comprise an award - winning staff among the Coldwell Banker offices in the Pacific Northwest. We're one of the top real estate offices on the Oregon Coast.

We are celebrating 55 years in the Florence Community, helping and serving our clients. Coldwell Banker Coast Real Estate is widely known for its outstanding business reputation. Our Florence Oregon Real Estate office consistently lists and sells more properties than any other real estate firm on the Central Oregon Coast.

Coast Real Estate also represents many builders and new subdivisions in Florence, as well as all types of residential and commercial properties and vacant land.

**COLDWELL BANKER**  
Since 1956  
100 HIGHWAY 101  
FLORENCE, OREGON 97439

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541-997-7777

Trust...It's what we've built our business on. Coldwell Banker Coast Real Estate has been earning the trust of clients on the Central Oregon Coast for more than half a century and we want to earn your business too. Our goal is to do such a fantastic job for you that you'll want to tell your friends...family and business associates about us. The best compliment we can receive is your referrals. Thank you for sharing your Coldwell Banker Coast Real Estate experience with others.

**Booth Island**  
"Escape the Ordinary" [CLICK HERE FOR MORE INFORMATION](#) or CALL 541-999-2336

Island living on Siltcoos Lake and the beautiful Oregon Coast

### Booth Island

#### Escape the Ordinary

Island living on the beautiful Oregon Coast. Enjoy natural tranquility and a unique lifestyle. Booth Island is an island paradise in Siltcoos Lake, just south of Florence, Oregon. Imagine your own retreat on a pristine island! Beautiful Custom "Sunset Home." Select from 5 large Lakefront Parcels.



### Advertise Your Local Business Here!

Please call the **Dunes City Office** to find out how you can advertise your local business

**541-997-3338**

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**WESTCOAST**  
MEDIA GROUP  
A MULTIMEDIA COMPANY

**541.997.8914**

PRINTING • GRAPHIC DESIGN • WEB PHOTOGRAPHY • AUDIO RECORDING VIDEO TAPING • TAPES • TELEVISION

**COLDWELL BANKER**

Since 1956  
100 HIGHWAY 101  
FLORENCE, OREGON 97439

**541-997-7777**

**TR**  
HUNTER  
REAL ESTATE  
541-997-1200

### Donations

Dunes City is looking for donations. Donations are tax deductible.

For more information click below

Make a donation





## Real Estate



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**TR**  
**HUNTER**  
REAL ESTATE  
**541-997-1200**

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For more information  
click below

[Make a donation](#)

After Recording Return to, and  
Send tax statements to:  
Lane County Public Works  
Lane County Property Management  
3040 North. Delta Highway  
Eugene, Oregon 97408

## RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

### DEDICATION OF A PUBLIC ROAD EASEMENT

LANE COUNTY, a political subdivision of the State of Oregon, GRANTOR, pursuant to Order No. 16-10-18-07, grants and dedicates to the PUBLIC, a public road easement on and over the following described property:

Various private unimproved streets as laid out and indicated in "TSILTCOOS LAKE CLUB PLAT," as platted and recorded on Page 13, Volume 3, of Lane County Oregon Plat Records, Lane County, Oregon, all in Sections 27 and 28, Township 19 South, Range 12 West of the Willamette Meridian, on the attached map and being more particularly described as follows:

All that portion of an un-named street running north and south and bordered on the West by Ka-Teech, Replat of Park Area, Tsitcoos Lake Club Plat, recorded in file 74, slide 29, Lane County Plat Records and on the East by Lots 58, 59, and 60, except those portions lying in the right of ways of County Road No. 1174, Clear Lake Road and County Road No. 1100, North Beach Road, (AKA Darlings Loop);

Also, all that portion of an un-named street running north and south and bordered on the west by Lots 52, 53 and 54 and on the east by Lots 49, 50 and 51, except those portions lying in the right of ways of County Road No. 1174, Clear Lake Road and County Road No. 1100, North Beach Road, (AKA Darlings Loop);

Also, all that portion of an un-named street running north and south, north of the northerly right of way line of County Road No. 1174, Clear Lake Road and bordered on the west by Lot 48 and on the east by Lot 43;

Also, all that portion of an un-named street running north and south, north of the northerly right of way line of County Road No. 1174, Clear Lake Road and bordered on the west by Lot 42, on the east by Lot 37;

Also, all that portion of an un-named street running north and south, north of the northerly right of way line of County Road No. 1174, Clear Lake Road and bordered on the west by Lot 30 and on the east by Lot 25;

Also, all that portion of an un-named street running north and south and bordered on the west by Lots 22, 23, and 24 and on the east by Lots 19, 20 and 21, except that portion lying in the right of way of County Road No. 1174, Clear Lake Road;

Also, all that portion of an un-named street running north and south and bordered on the west by Lots 4, 5 and 6 and on the east by Lots 1, 2 and 3, except that portion lying in the right of way of County Road No. 1174, Clear Lake Road;



Also, all that portion of an un-named street running north and south, south of the southern right of way line of County Road No. 1174, Clear Lake Road and bordered on the west by Lots 34 and 35 and on the east by Lots 32 and 33;

Also, all that portion of an un-named street running north and south, south of the southern right of way line of County Road No. 1174, Boy Scout Road and bordered on the west by Lots 10 and 11 and on the east by Lots 8 and 9;

Also, all that portion of an un-named street running north and south, south of the southern right of way line of County Road No. 1100, North Beach Road, (AKA Darlings Loop) and bordered on the west by Lot 40 and on the east by Lot 39;

Also, all that portion of an un-named street known as "Creek Way" and bordered on the North by Lot 70 and on the South by Lot 71.

EXCEPTING THEREFROM any and all portions of said described streets lying within a designated County Road and as laid out and indicated in said plat as "Driveway."

Said parcels being forever dedicated to the use of the public for road purposes.

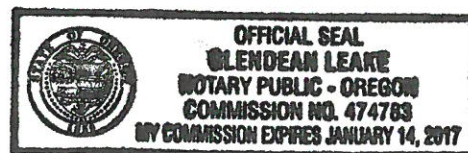
There is no consideration for this dedication.

IN WITNESS WHEREOF, the undersigned have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Lays Bent  
Commissioner  
[Signature]  
Commissioner

[Signature]  
Commissioner  
  
[Signature]  
Commissioner

\_\_\_\_\_  
Commissioner



STATE OF OREGON     )  
                                  )     ss.  
County of Lane        )

On 10/28, 2016, personally appeared

Lays Stewart,  
Did Hicken & Pat Farr

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Accepted for Recording on  
Behalf of Dunes City

Glendean Leake  
Notary Public for Oregon

My Commission Expires: 1/14/2017

**ATTACHMENT**  
**TSILTCOOS LAKE CLUB PLAT**  
**SECTIONS 27 & 28, T19South, R12W, W.M.**  
**LANE COUNTY, OREGON**



— DEDICATION OF PLATTED STREETS



### QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, for good and valuable consideration, receipt of which is hereby acknowledged, pursuant to Order No. 16-10-18-07 of the Board of County Commissioners of Lane County, releases and quitclaims to:

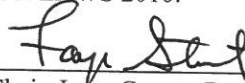
#### **Dunes City**

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

See Attached Exhibit "A"

This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements, and encumbrances of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



Chair, Lane County Board of Commissioners

STATE OF OREGON     )  
                                  ) ss  
COUNTY OF LANE     )

The foregoing instrument was acknowledged before me on this 18<sup>th</sup> day of October, 2016, by  
Faye Stewart, Chair, Lane County Board of Commissioners

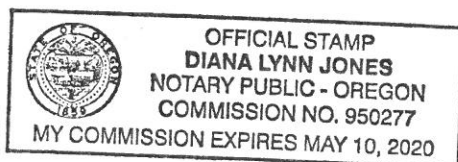
who acknowledged such instrument to be their free and voluntary act and deed, and on oath stated that they were duly authorized to execute such instrument.

Grantor: Lane County  
3050 N. Delta Hwy., Eugene, OR 97408

Notary Public for Oregon  
My Commission Expires 5/10/2020



Accepted for recording, Dunes City





## EXHIBIT "A"

### TSILTCOOS LAKE CLUB PLAT STREETS TO DUNES CITY LEGAL DESCRIPTION

Portions of Tax Map and Lot No. 19-12-27-13-01300

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Keith  
Bill  
Mark

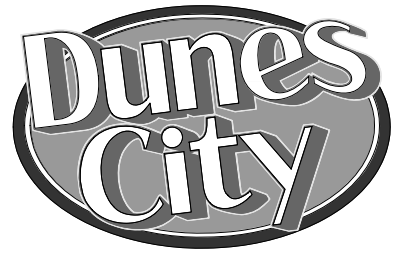
Sunny, cool,  
light breeze,

Date: 11/1 Weather: Air Temp: 14.2C Personnel: Mark

Site	Time	Secchi	Temp	Cond	Sample	Depth	O2# and O2	Chla?	Nutr?	pH	Turb
Outlet	11:14	17.6 ft	15.3	53.5	XXXXX	sfc	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Atlas	10:30		15.4C	53.7		sfc	XXXXX	24.9 mg/l		7.29	17° 87
	10:35	16 ft	15.6C	?	XXXXX	z=19m	±19	8.0	XXXXX	XXXXX	XXXXX
	10:40		15.7C	?	XXXXX	15m	#2	8.4	XXXXX	XXXXX	XXXXX
	10:45		15.6C	?	XXXXX	10m	#3	8.1	XXXXX	XXXXX	XXXXX
	10:48		15.5C	?	XXXXX	2m	#1/2	8.2	XXXXX	XXXXX	XXXXX
Br. 1	11:25	16 ft	15.1C	53.5		sfc	?			7.25	17° 89
Br. 2	11:34	17 ft	15.4C	53.4	XXXXX	sfc	XXXXX		XXXXX	XXXXX	XXXXX
Br. 3	11:50	16.6	15.4C	52.9	XXXXX	sfc	XXXXX		XXXXX	XXXXX	XXXXX
W'lake		7.8	14.3	54.9		sfc	?	24.6 mg/l		6.98	16° 1.72

## **Public Works Maintenance Supervisor's Report**

November 10, 2016 ~ Prepared by Jamie Mills

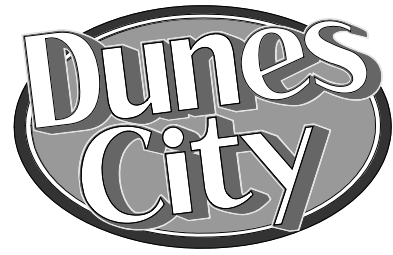


Maintenance work done by Richard Palmer during the month of October, 2016:

- 1) Met with Juliann Ellis re: Reavis v. DC.
- 2) Met with The Dyer Partnership and Attorney Wolf re: Reavis v. DC
- 3) Met with The Dyer Partnership re: Russell Road.
- 4) Monitored City of Florence clean out of catch basin on Laurel Ave and Ocean Blvd.
- 5) Worked on Montgomery side of Kiechle Arm Road; moved ditch away from road pavement edge; cleaned ditch to upper culvert; temporarily blocked upper culvert to force all water runoff into lower culvert until new drainage installed on Ellis property; ordered materials needed to finalize project.
- 6) Removed dead animal from Russell Road.

## **Emergency Services Report to City Council**

November 10, 2016 ~ Prepared by Jamie Mills



I attended the West Lane Emergency Operations Group meeting held on October 17th at the Western Lane Ambulance District.

Participants were reminded that the Florence Emergency Expo will be held November 5<sup>th</sup> at the Florence Events Center. A number of intriguing presentations, as well as celebrities, will be on hand at the event, including television personality and survivalist Mykal Hawk.

The National Guard held their Convoy Event at the Florence Events Center on Sunday, October 23<sup>rd</sup> from 10 am to 2 pm.

Megan announced that the Oregon Tsunami Conference will be held at the Florence Events Center on December 7<sup>th</sup>, from 1 pm to 6 pm and December 8<sup>th</sup>, from 8 am to 5 p.m. More information will be forthcoming about this event.

Chief Langborg indicated that he and Linda Cook traveled out Sweet Creek Road to try to identify possible alternate routes in the event Hwy 126 is closed due to disaster. Siuslaw Valley Fire and Rescue is seeking grant funding for a media consultant for WLEOG to help design the message and manner in which the message is best delivered in this area in an attempt to ensure resources are spent in the most effective and efficient means possible.

Siuslaw Valley Fire and Rescue has a new Operations Manager named Jim Dickerson. He will report October 31<sup>st</sup>, and Matt House will assume the position of operations manager for Western Lane Ambulance.

The next meeting will be held at Fire Station Number 1 in Florence on Monday, November 21<sup>st</sup> at 10:00 a.m. I will be unavailable to attend and am looking for a volunteer to fill in for me!

Respectfully submitted,

Jamie Mills  
City Administrator / City Recorder

## WEST LANE EMERGENCY OPERATIONS GROUP

Western Lane Ambulance

410 9<sup>th</sup> St.

Florence, OR 97439

---

October 17, 2016

### AGENDA

10:00 AM

---

#### Members

City of Florence    Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians    Dunes City  
Mapleton Fire District    Peace Harbor Medical Center    Port of Siuslaw  
Siuslaw Valley Fire and Rescue    Western Lane Ambulance

#### Associate Members

American Red Cross    Apex Helicopter    Greentrees Village    Florence Area Chamber  
Florence Area Humane Society    Florence Emergency Cold Weather Shelter    Lane Community College  
Lane County Public Health    Oregon Department of Transportation    Oregon Episcopal Diocese  
Oregon Parks and Recreation    Oregon State HSPR Program    Senior and Disabled Services  
Siuslaw School District    United States Coast Guard    West Lane ARES/RACES

---

#### **Call to order**

#### **Roll Call/Establishment of Quorum**

**Approval of Minutes:** Of the Regular WLEOG meeting of Sept.19, 2016

#### **Reports & Discussion Items:**

Emergency Management Coordinator's

Report Chair's Report

Emergency Preparedness Expo

National Guard Convoy

CERT Coordinator Report

#### **Financial Statements**

Profit and Loss Budget vs. Actual, Year to date (2016-2017) Bank account register

#### **Other Business/Round Table**

**Next Meeting:** Monday November 21, 2016 Location TBD

**WEST LANE EMERGENCY OPERATIONS GROUP**  
**MINUTES September 19, 2016**

**MEMBERS PRESENT:**

Siuslaw Valley Fire & Rescue: Jim Langborg  
WLA: Brian Burright  
CTCLUSI: Brian DuBray  
Dunes City: Present  
City of Florence: Tom Turner  
Peace Health: Present  
Mapleton Fire: Department: Not Present  
Port of Siuslaw: Present

**ASSOCIATE MEMBERS:**

West Lane ARES/RACES: Present  
Greentrees: Present  
American Red Cross: Present  
United States Coast Guard: Not Present  
Florence Area Chamber: Present  
Florence Emergency Cold Weather Shelter: Not Present  
Lane County Public Health: Not Present  
Oregon Episcopal Diocese: Present  
Oregon Parks and Recreation: Not Present  
Florence Area Humane Society: Present  
Lane Community College: Present  
Oregon Department of Transportation: Not Present  
Oregon State HSPR Program: Not Present  
Senior and Disabled Services: Not present  
Siuslaw School District: Not Present  
Apex Helicopter: Not Present

**CALL TO ORDER**

The meeting was called to order by Megan Messmer @ 10:00 a.m.

**APPROVAL OF MINUTES:** Brian Burright made a motion and Pat Kirby seconded the motion to approve the minutes from the August 15, 2016 Meeting, Motion was then approved.

**Agenda Items:**

CERT Program Update- Gave Report

National Guard Convoy- October 22<sup>nd</sup> on track.

Preparedness Expo Update- Jenna Bartlett gave a brief update.

**Emergency Management Coordinator's Report:** Gave a brief report.

**Chairs Report:** Discussed our Public Education.

**FINANCIAL REPORT**

Current balance is \$31,108.41 Bills paid since 08/15/2016 were \$1,465.72; to Frank Nulty \$416.67; Coast Broadcasting \$488.00; West Coast Media \$100.00; Central Lincoln \$29.07; Siuslaw News \$372.00; VIASAT EXCEDE Internet \$59.98; Deposit was made in the amount of \$26,405.62 for all members' dues; 12.5% of the Budget has been expended YTD excluding Contingency.

**NEW BUSINESS/ANNOUNCEMENTS:**

**ADJOURNMENT**

**The meeting was adjourned by Megan Messmer @ 10:45 a.m.**

**The next scheduled WLEOG Meeting will be October 17, 2016 at 10:00 a.m. at Western Land Ambulance District.**

**Mary Dimon**

Administrative Assistant

Recording Secretary

DRAFT

**West Lane Emergency Operations Group**  
**Profit & Loss Budget vs. Actual**  
July 2016 through June 2017

	<u>Jul '16 - Jun ...</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4001 · Western Ambulance Contr.	5,197.50	5,197.50	0.00	100.0%
4002 · Siuslaw Valley Fire Contr.	5,197.50	5,197.50	0.00	100.0%
4003 · City of Florence Contr.	5,197.50	5,197.50	0.00	100.0%
4004 · Conf. Tribal Police Contr.	2,598.75	2,598.75	0.00	100.0%
4005 · Port of Siuslaw Contr.	1,299.38	1,299.38	0.00	100.0%
4006 · Dunes City Contr.	1,299.38	1,299.38	0.00	100.0%
4007 · Mapleton FD Contr.	418.11	418.11	0.00	100.0%
4008 · PeaceHealth Hospital Contr.	5,197.50	5,197.50	0.00	100.0%
4600 · Interest Income	0.84			
<b>Total Income</b>	<u>26,406.46</u>	<u>26,405.62</u>	<u>0.84</u>	<u>100.0%</u>
<b>Gross Profit</b>	<u>26,406.46</u>	<u>26,405.62</u>	<u>0.84</u>	<u>100.0%</u>
<b>Expense</b>				
5005 · Advertising	2,008.00	8,200.00	-6,192.00	24.5%
5006 · Neighborhood Training Prog...	0.00	1,500.00	-1,500.00	0.0%
5009 · Dues and Fees	20.00	200.00	-180.00	10.0%
5010 · Siren Maintenance Agreement	546.24	2,150.00	-1,603.76	25.4%
5011 · Satellite Phones	0.00	1,000.00	-1,000.00	0.0%
5012 · Radios	0.00	500.00	-500.00	0.0%
5014 · Misc. Supplies/Postage	109.55	1,000.00	-890.45	11.0%
5017 · Internet Network Service	659.80	2,300.00	-1,640.20	28.7%
5019 · Special Districts Insurance	0.00	2,200.00	-2,200.00	0.0%
5024 · CERT Recognition Event	0.00	200.00	-200.00	0.0%
5025 · Community Events	0.00	200.00	-200.00	0.0%
5026 · CERT Program Coordinator	1,300.01	5,000.00	-3,699.99	26.0%
5027 · Siren Battery Replacement/L...	0.00	1,000.00	-1,000.00	0.0%
<b>Total Expense</b>	<u>4,643.60</u>	<u>25,450.00</u>	<u>-20,806.40</u>	<u>18.2%</u>
<b>Net Ordinary Income</b>	<u>21,762.86</u>	<u>955.62</u>	<u>20,807.24</u>	<u>2,277.4%</u>
<b>Net Income</b>	<u><u>21,762.86</u></u>	<u><u>955.62</u></u>	<u><u>20,807.24</u></u>	<u><u>2,277.4%</u></u>



1:20 PM

10/13/16

Accrual Basis

# West Lane Emergency Operations Group

## Profit & Loss

September 19 through October 13, 2016

	Sep 19 - Oct 13, 16
Ordinary Income/Expense	
Income	
4600 · Interest Income	0.78
Total Income	0.78
Gross Profit	0.78
Expense	
5005 · Advertising	288.00
5010 · Siren Maintenance Agreement	546.24
5014 · Misc. Supplies/Postage	52.72
5017 · Internet Network Service	159.98
5026 · CERT Program Coordinator	416.67
Total Expense	1,463.61
Net Ordinary Income	-1,462.83
Net Income	-1,462.83

# West Lane Emergency Operations Group

10/13/2016 1:37 PM

Register: 1001 · Oregon Pacific Bank

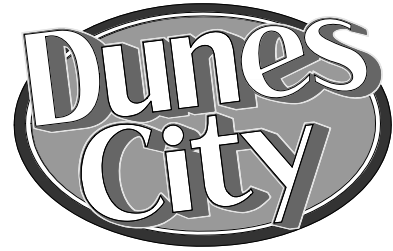
From 09/19/2016 through 10/13/2016

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
09/22/2016	EFT	Oregon Pacific Bank	5014 · Misc. Supplies/...	Endorsement S...	23.50	X		31,084.91
09/30/2016			4600 · Interest Income	Interest		X	0.78	31,085.69
10/13/2016	EFT	Excede/Wildblue/ Via...	5017 · Internet Networ...	Acct. #301827...	59.98			31,025.71
10/13/2016	1317	West Coast Media Gr...	5017 · Internet Networ...	Invoice# 16-17...	100.00			30,925.71
10/13/2016	1318	Frank Nulty	5026 · CERT Program ...	CERT Coordin...	416.67			30,509.04
10/13/2016	1319	Coast Broadcasting	5005 · Advertising	WLEOG/Septe...	288.00			30,221.04
10/13/2016	1320	Day Wireless Systems	5010 · Siren Maintena...	Invoice #58322...	546.24			29,674.80
10/13/2016	1321	Central Lincoln	5014 · Misc. Supplies/...	Acct. #035854 ...	29.22			29,645.58

**City Administrator/City Recorder Report to City Council**

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November 10, 2016 ~ Prepared by Jamie Mills

There were 12 permits issued in October, 8 of which were electrical, 2 mechanical, 1 demolition and 1 vegetation removal. Expiring permit holders were again contacted to update their permits. Copies of permits to Lane County and Lane Council of Governments continue on schedule. Permit Tech Renee Green is still on restricted hours due to the injuries she received in the automobile accident in August, but she is doing a great job in keeping permit issues moving forward.

The Planning Commission met in regular session on Thursday, October 27th, where they appointed themselves as the CAC for purposes of reviewing Chapter 155.1, 155.2 and 155.3. They also appointed new resident Paul Reilly to serve on the CAC as well. The first meeting of the CAC will be November 17, 2016, at 5:00 p.m. Planning Secretary Rapunzel Oberholtzer has worked wonders in keeping the Title XV review process moving forward.

As septic letters continue to go out, one particular property has failed to respond to any of the letters. As a result, findings and order regarding the violation have been entered and personally served on the property by way of posting. No response has occurred so now the violation will be abated and the costs of the abatement, together with the fines and penalties for the violation, placed as a lien the property for the costs of the abatement, together with the costs, fines and penalties associated with failure to comply.

I am pleased to announce that Three Rivers Casino has again agreed to sponsor the Oregon Dunes Triathlon! We are looking for more sponsors for our 5<sup>th</sup> annual event. Thank you to Linda Stevens for helping to make that happen!

Detailed requirements of our State surface water permits continue to be addressed to the satisfaction of the State Watermaster, such as meter approval and the drafting of a Water Management and Conservation Plan. Thank you to John Stead for bringing these details to my attention.

I have contacted a couple of contractors and written the State regarding clarification of the removal of the portage and underwater pier. Work with the auditors continues.

Much time is spent processing and handling the complaints that come in. We have several working right now that I hope will be resolved in the near future.

Respectfully submitted,

Jamie Mills  
Recorder/City Administrator

Dunes City, Oregon - Mail Tracking Log -  
November 10, 2016

2016 <b>Mail Log</b>				
Date	Via	From	Type of Document	Forwarded To
10/3/2016	Hand	Wally's Septic	Statement and 5 Septic Reports	Permits
10/3/2016	Hand	Scott Goodrich	Structural Permit for Dock	Permits
10/3/2016	Email	Dept of Admin Services	OLCC Tax	Recorder
10/3/2016	Mail	Central Lincoln PUD	Statement	Recorder
10/3/2016	Mail	True Cut Engraving	Invoice #5920	Recorder
10/3/2016	Fax	Dunes City Home Service	Invoice #289	Recorder
10/4/2016	Email	The Building Department	Invoice Dated 10/4/2016	Recorder
10/4/2016	Mail	US Bank Visa	Statement	Recorder
10/4/2016	Mail	County Transfer and Recycling	Statement	Recorder
10/4/2016	Mail	Vend West Services	Statement	Recorder
10/4/2016	Hand	Everett Devereaux	Water Meter Reading	Permits
10/4/2016	Email	Speer Hoyt	Invoice	Recorder
10/5/2016	Hand	Resident	Letter-Complaint	Recorder
10/6/2016	Mail	Florence Coastal Hardware	Statement	Recorder
10/6/2016	Hand	Beverly Diamond	Letter-Property Adjustment	Recorder
10/10/2016	Mail	LaneAct	Agendas x 2	Recorder/Sanders
10/10/2016	Mail	IRS	Letter	Recorder
10/10/2016	Mail	Siuslaw News	Statement	Recorder
10/10/2016	Mail	Oregon Pacific Bank	Statements x 2	Recorder
10/10/2016	Mail	HMWFG, CPA	Invoice	Recorder
10/10/2016	Mail	LOC	Local Focus Magazine x 10	Recorder/Councilors
10/10/2016	Mail	Governing Institute	Magazine	Recorder
10/10/2016	Fax	Marshalls Inc.	Mechanical Permit	Permits
10/11/2016	Fax	Cascade Escrow	Lien Search Request	Permits
10/11/2016	Fax	First American Title	City Lien Search	Permits
10/11/2016	Mail	Mountain Meadow Homes	Mechanical Permit	Permits
10/11/2016	Mail	Oregon State University	Pamphlet	Recorder
10/11/2016	Hand	Vend West Services	Invoice	Recorder
10/13/2016	Email	Ferguson	Estimate	Recorder
10/13/2016	Mail	Dyer Partnership	Invoice x 2	Recorder
10/13/2016	Mail	OMA	If I Were Mayor Letter x 2	Recorder/Mayor
10/13/2016	Email	CIS	Workmen's Comp Credit Invoice	Recorder
10/13/2016	Fax	Charter Communications	Proof of Insurance	Recorder
10/17/2016	Fax	Charter Communications	Proof of Insurance	Recorder
10/17/2016	Hand	Jamie Mills	Complaint	Recorder

Dunes City, Oregon - Mail Tracking Log -  
November 10, 2016

10/17/2016	Mail	CIS Insurance	Statement	Recorder
10/17/2016	Mail	Oregon Water Resources	Water Meter Reading	Recorder
10/17/2016	Mail	Preferred Long Distance	Statement	Recorder
10/17/2016	Mail	Oregon Coast Military Museum	Letter	Recorder
10/18/2016	Hand	John Stead	Letter	Recorder
10/19/2016	Fax	First American Title	City Lien Search 19-12-27-13-2600	Permits
10/19/2016	Mail	Fred Hilden-Lakes Edge	2 Letters and Certified Return Receipt	Recorder
10/19/2016	Hand	Fed Ex	House Plans - Smalley	Permits
10/20/2016	Email	Ferguson	Invoice-Bid	Recorder
10/20/2016	Mail	Lane County Taxation	Property Tax Report x 2	Recorder
10/20/2016	Mail	Ray Wells	Invoice #99-8976	Recorder
10/20/2016	Mail	USDA	Letter	Mayor
10/20/2016	Hand	Charlie Johnson	Invoice #187084	Recorder
10/20/2016	Hand	Sunset Cove Homeowners	Permit Letter	Permits
10/24/2016	Email	Oregon Department of Admin	Cigarette Tax	Recorder
10/24/2016	Hand	Laurale Lorentzen	Hand Book Signage	Recorder
10/24/2016	Mail	MCI	Invoice	Recorder
10/24/2016	Mail	Charter Communications	Invoice	Recorder
10/24/2016	Mail	Well Fargo	Invoice	Recorder
10/24/2016	Mail	Quill.Com	Statement	Recorder
10/25/2016	Mail	Oregon Water Resources Dept.	Permit S-54405 Progress Report Accepted	Recorder
10/25/2016	Mail	Michael Chen	Return Receipt for Certified Mail/Water Right	Recorder
10/25/2016	Hand	Linda Stevens	Hand Book Signage	Recorder
10/25/2016	Hand	Wally's Septic	Statement & 5 Septic Reports	Permits
10/26/2016	Email	Social Security Administration	Fact Sheet	Recorder
10/26/2016	Fax	Cascade Escrow	City Lien Search 19-12-24-00-00402	Permits
10/26/2016	Hand	Norman Maehler	Land Use Application	Permits

# Dunes City Hall

## November 2016

November 2016							December 2016						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	1	2	3	4	5	4	5	6	7	1	2	3
13	14	8	9	10	11	12	11	12	13	14	8	9	10
20	21	15	16	17	18	19	18	19	20	21	15	16	17
27	28	22	23	24	25	26	25	26	27	28	22	23	24
		29	30						29	30			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		November 1	2	3	4	5
					Closed	
6	7	8	9	10	11	12
			3:00pm LaneACT (Springfield)	7:00pm City Council Meeting	Closed Veterans Day - CLOSED	
13	14	15	16	17	18	19
				5:00pm CAC Chapter 155 Meeting	Closed	
20	21	22	23	24	25	26
	10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue)			Thanksgiving Holiday - CLOSED 5:00pm Planning Commission Meeting	Closed	
27	28	29	30			

# Dunes City Hall

## December 2016

December 2016							January 2017						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	1	2	3	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				December 1	2	3
					Closed	
4	5	6	7	8	9	10
				7:00pm City Council Meeting	Closed	
11	12	13	14	15	16	17
			3:00pm LaneACT (Springfield)	5:00pm CAC Chapter 155 Meeting	Closed	
18	19	20	21	22	23	24
	10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue)			5:00pm Planning Commission Meeting	Closed	Christmas Holiday - CLOS
25	26	27	28	29	30	31
Christmas Holiday - CLOS					Closed	

# Dunes City Hall

## January 2017

January 2017							February 2017						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 1, 2017	2	3	4	5	6	7
New Years Day - CLOSED	Holiday Closed				Closed	
8	9	10	11	12	13	14
			3:00pm LaneACT (Springfield)	7:00pm City Council Meeting	Closed	
15	16	17	18	19	20	21
	10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue)			5:30pm Budget Committee Meeting	Closed	
22	23	24	25	26	27	28
				5:00pm Planning Commission Meeting	Closed	
29	30	31				