AGENDA

1. Call to Order ................................................................. Mayor Ruede
2. Roll Call ................................................................. City Administrator
3. Pledge of Allegiance ...................................................... Mayor Ruede
4. Swearing in of the Mayor .............................................. City Administrator
5. Swearing in of new Council members .......................... Mayor Ruede
6. Confirmation of Appointment of Council President ........ Mayor Ruede
7. Motion to Approve the Agenda ....................................... Action Item
8. 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 December 8, 2016
B. Bills of the Session through January 6, 2017
C. Receipts of the Session through January 6, 2017

9. Announcements / Correspondence

A. The next Budget Committee meeting is scheduled for January 19, 2017 at 5:30 p.m.
B. A big Thank You goes out to Robin Mills, Paulina Orozco, and Paul Koepsell for helping to clear Hellcat Trail when it was blocked by a fallen tree.
C. Birthday wishes to Road Secretary Laurale Lorentzen on the 12th; refreshments will be served after the meeting to celebrate.
D. Reminders to City Councilors and Planning Commission Members: Your Annual Statement of Economic Interest must be filed on-line with the State Ethics Commission by February 15, 2017.
E. Councilors, please mark your calendars as City Day at the State Capitol is February 8, 2017. More information will follow.

10. 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.

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
11. **New Business**

A. Installation of assigned radio system setup at City Hall by Florence Amateur Radio Emergency Services (ARES) … Discussion/Action Item

B. Siuslaw Watershed Council Membership ………………… Discussion/Action Item

C. Set Goal Setting Session and Ethics Training……………. Discussion/Action Item

D. Sports Management Summit Attendance ……………….. Discussion/Action Item

E. Resolution Series 2017, No. 1, Setting Recreational Marijuana Sales Tax Rate …………………………….. Discussion/Action Item

F. Ordinance No. 243, Amends Ordinance 239 relating to collection of tax on retail sales of recreational marijuana items (First Reading) ……………………. Discussion/Action Item

G. Ordinance No. 241, Animal Control Code………………… Discussion/Action Item First Reading.

12. **Public Hearings**

A. Ordinance No, 243, Amends Ordinance 239 relating to collection of tax on retail sales of recreational marijuana items ……………………………… Discussion/Action Item

B. Ordinance No. 241, Animal Control Code ………………. Discussion/Action Item

13. **Unfinished/Old Business**

A. Ordinance No. 243, Amends Ordinance 239 relating to collection of tax on retail sales of recreational marijuana items (Second Reading and Consideration) … Discussion/Action Item

B.(1) Ordinance No. 241 Animal Control Code ………………. Discussion/Action Item Second Reading and Consideration.

B.(2) If Ord. 241 passed:  Resolution Series 2017, No. 2 (1-12-2017) Adopting Forms and Setting Fees for Animal Control…………………………………… Discussion/Action Item

C. Resolution Series 2017, No. 3 (1-12-2017) ………….. Discussion/Action Item Approving an Intergovernmental Agreement with the Oregon Department of Revenue for collection of a City Tax on the sale of marijuana items by recreational marijuana retailers.

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Phone (541) 997-3338 • Fax (541) 997-5751 • PO Box 97, Westlake, OR 97493
82877 Spruce St • www.dunescity.com
D. Vacation of undeveloped Roadways – Tsiltcoos Lake Club Plat .......................................................... Discussion/Action Item

14. Reports

A. Mayor’s Report.................................................. R. Ruede
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 ..... R. Palmer
F. Emergency Services Report............................... J. Mills
G. City Administrator/Recorder/Planning/Staff Report.. J. Mills

15. For the Good of the Order

16. 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.
1. **CALL TO ORDER**

Council President Maurice Sanders called the December 8th 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 Sheldon Meyer, Councilor Duke Wells, Councilor Ed Scarberry, Councilor Tom Mallen, and Councilor Ken Platt.

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

**Also Present:** City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer, and several citizens, including Councilor-elect Robert Orr.

3. **PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

4. **APPROVAL OF THE AGENDA**

Council President Sanders suggested amending the Agenda to add an item for selection of a new Council President to run the January 2017 meeting when new Councilors are seated. He explained that if the Mayor is not able to attend the January meeting, as Council President he could open the meeting, but could not lead the meeting after the new Councilors are sworn in. (00:01:30)

Councilor Scarberry made a motion to amend the Agenda as suggested by Council President Sanders. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

5. **CONSENT AGENDA**

City Administrator/Recorder Mills pointed out that an amended Bills of the Session list was distributed to Councilors prior to the start of the meeting.
Councilor Scarberry made a motion to approve the Consent Agenda as amended with the amended Bills of the Session. Councilor Mallen seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

Council President Sanders asked City Administrator/Recorder Mills to provide an update on the November 8, 2016 General Election results relating to the marijuana tax initiative and City Councilor vacancies. City Administrator/Recorder Mills reported that in all of the cities that had a marijuana tax initiative on the ballot, the initiative passed. She went on to report that Mayor Ruede was re-elected, as was Councilor Mallen, and the two remaining seats on the Council would be filled by the two write-in candidates with the most votes, Mr. Robert Orr and Mr. Alan Montgomery. She noted that both of them had officially accepted the position. Council President Sanders thanked Mr. Orr for his willingness to participate on the Council.

Council President Sanders read aloud from the remaining announcements on the Agenda: The next Budget Committee meeting is scheduled for January 19th, 2017 at 5:30 pm, and birthday wishes go out to Councilor Duke Wells on December 30. He went on to announce that refreshments would be served after the meeting and everyone is invited to partake. He also announced that Dunes City Hall would be closed on Monday, December 26th and on Monday, January 2nd.

7. CITIZEN INPUT

There was none.

8. NEW BUSINESS

A. Mayor’s Request for Radio Holiday Message Expense

City Administrator/Recorder Mills explained that since Mayor Ruede was elected to office she has done an annual holiday message that is broadcast on KCST. The cost of the radio message is $150 and the Mayor is requesting Council approval of the expense to be paid by the City.

Councilor Mallen made a motion to approve the cost of the radio holiday message. Councilor Meyer seconded the motion. The motion passed by unanimous vote.

B. Oregon Department of Revenue Model IGA for Collection and Enforcement of Local Marijuana Taxes

City Administrator/Recorder Mills explained that if Dunes City wanted to collect local marijuana taxes in the first quarter of 2017 it would need to execute an intergovernmental agreement for the collection and distribution of those taxes with the Oregon Department of Revenue and adopt an ordinance to authorize the IGA prior to January 15, 2017. She went on to note that Dunes City does not currently have any marijuana retailers so there is
nothing to collect in the first quarter. She suggested that the IGA and the ordinance be discussed in Council meetings early next year. Council President Sanders suggested adding discussion to the Agenda for the February meeting. There were no objections.

C. Selection of new Council President

Council President Sanders explained that Mayor Ruede was undergoing chemotherapy treatments for cancer and doing well, but she might not feel well enough to attend the January Council meeting when new Councilors would be seated. He went on to explain he would attend the January Council meeting and call it to order if Mayor Ruede did not attend but when new Councilors are sworn in he would no longer be Council President and would not be able to lead the meeting. He suggested that the Council select a new Council President now so that there would be a smooth transition of leadership at the January meeting. He asked the Councilors to support his suggestion. He noted that in the January meeting, if the Council decided to elect someone else for Council President, it could do so.

(00:08:50)

Council President Sanders made a motion to nominate Councilor Meyer as the new Council President beginning January 12. Councilor Wells seconded the motion. The motion passed by unanimous vote.

Councilor Meyer accepted the vote.

9. UNFINISHED/Old BUSINESS

There was none scheduled.

Council President Sanders noted that last year the Council agreed to authorize a bonus for City Staff as a way of thanking Staff for their work during the year. He explained that Mayor Ruede asked for approval to give Staff a bonus again this year, $200 for the City Administrator/Recorder and $100 for each Staff member. He went on to explain that the Council’s consensus was sufficient to approve the request and noted that there was sufficient money in the budget to cover the $600 cost of the bonuses. Councilors all agreed to the request.

12. REPORTS

Mayor’s Report: There was none.

Community Center Report: Councilor Wells reported that the City Hall Christmas tree was up and he and Staff are still working on the emergency generator project—it is almost complete.

Site Review Report: Councilor Platt did not have any activity to report.

Water Quality Report: Councilor Meyer reported that the Siltcoos water quality had been somewhat poor but was improving. City Administrator/Recorder Mills noted that the water testers sent a sample to a lab last month and it tested negative for any toxicity.
Public Works Maintenance Supervisor Report: City Administrator/Recorder Mills reported that the culvert installation and ditching was complete on Kiechle Arm Road, for now. She and the Public Works Maintenance Supervisor will begin working on a list of road maintenance projects for next year.

Emergency Services Report: City Administrator/Recorder Mills reported that she did not attend the November WLEOG meeting because she was out of town on vacation, but the WLEOG minutes from November were included in the Councilors’ meeting packets.

City Administrator/Recorder Report: City Administrator/Recorder Mills noted that Staff prepared the Report to City Council for her while she was on vacation. She reported that the annual meter reading project was almost finished, several sponsors have committed to the Oregon Dunes Triathlon next year, and the City’s website has been updated. She noted that the City needs someone to attend the Lane ACT meetings. Council President Sanders explained that the meetings are monthly, usually in Springfield or Eugene. He went on to explain that the Lane Area Commission on Transportation partners with ODOT and MPO to make recommendations on funding for certain road projects and is an excellent avenue to make sure that all communities in the County have a voice in what work is done. He noted that City representatives are usually a Councilor with backup from the City Administrator. He asked if any of the Councilors would be willing to attend. Mr. Orr volunteered to represent Dunes City. None of the Councilors objected.

City Administrator/Recorder Mills went on to report that the audit is complete and the report should be available for the January meeting. She also noted that she would be making a presentation to the Woahink Lake Association on Saturday, January 21st. She referred Councilors to a copy of a list of training workshops for elected officials and noted that Dunes City will need to schedule an ethics training session for new Councilors early next year. She went on to refer Councilors to a copy of an email announcement about the Oregon Sports Summit, a conference for anyone interested in learning about sports events planning.

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

City Administrator/Recorder Mills reported that there is a possibility that the new owners of the International Paper property may be interested in donating or selling part of the land by the river, including the dam. She explained that with the Council’s approval, she would write a letter to the new owners and offer the portage to them. Councilors agreed that she should do so post haste.

Councilor Wells wished everyone a merry Christmas.

Councilor Scarberry announced that this meeting would be his last as a Councilor—he will be out of town in January when the next meeting is held. He recounted how about seven years ago Mayor Ruede contacted him and asked him to apply for an opening on the City Council. At the time, he recalled, he was not particularly interested because of the contentious nature of the Council meetings at the time, but he did volunteer and was glad that he did. He went on to
say that the Council has been able to accomplish good things and has improved the quality of life in Dunes City. He went on to thank the Councilors and City Staff for their support over the years.

Council President Sanders noted that he would chair the January meeting if the Mayor is not able to attend but the January meeting would be his last as a Councilor. He explained that he became a Councilor so he could contribute to the community and his time on the Council has been one of the most pleasant challenges of his career. He thanked the Councilors and City Staff, past and present, for their support and went on to encourage members of the community to get involved. He urged the continuing Councilors and new ones to keep up the good work, keep business ethical and civil.

14. ADJOURNMENT

Council President Sanders adjourned the meeting at 7:27 pm. There was no motion made for adjournment.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12th DAY OF JANUARY 2017.

_______________________________________
Sheldon Meyer, Council President

ATTEST:

_______________________________________
Jamie Mills, City Administrator/Recorder
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ATTEST: __________________________________________
Mayor / Council President
### RECEIPTS OF THE SESSION (Deposits): 12/1/2016 thru 1/4/2017

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<td>Water Admin Fees</td>
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| **TOTAL**                                        | **$26,278.16**
Hi Jamie, I think I sent this to a wrong email so I'm trying again

John

---------- Forwarded Message ----------
Subject: Amateur Radio Station
Date: Tue, 13 Dec 2016 14:56:52 -0800
From: John Pershing <jrpershing@gmail.com>
To: admin@dunescityor.com
CC: Walt Zandi <walt.k1wz@gmail.com>

Hi Jamie?

The Florence Amateur Radio Emergency Services ARES is looking at relocating some radio equipment. Walt Zandi and I have participated at the Dunes City Hall on several events. The powers to be have given us the OK to see if Dunes City would like to have an assigned radio system setup semi-permanent at the City Hall. The system would consist of a two way VHF/UHF radio, antenna, computer and support equipment. This would be configured to have voice and digital packet communications (email plus) with the Emergency Operations Center in the Florence area. ARES members would respond to the City hall and activate the equipment in an emergency. The equipment can also be used by any licensed amateur radio operator, Hint, Hint. We can help with training by the way!

The equipment would need to be in a secure location and can not be operated by non-licensed operators. We would like to permanently mount an antenna and would need to bring the antenna cable into the building. If this sounds doable, let me know and we can move forward. ARES would maintain the equipment and has equipment insurance, by the way.

John Pershing
jrpershing@gmail.com
541 997-7526
December 01, 2016

Dunes City Hall
PO Box 97
Westlake, OR 97493

Dear Dunes City Hall:

Your continued support of the Siuslaw Watershed Council has enabled us to plan, implement and complete multiple instream, riparian and upland restoration and stewardship projects within the Siuslaw and Coastal Lakes watersheds. Continued support has also enabled us to monitor watershed trends/indicators and educate youth to adults about natural resources through our outreach programs; ranging from General Meetings, school programs and youth summer outdoor camps. The work of the Siuslaw Watershed Council generates local economic opportunities, spread across diverse partnerships. Your generous support enables the Council to extend this reach.

Accomplishments in 2016 included:

- 300 pieces of large wood were placed to enhance in-stream, off-channel, and floodplain habitat for coho, trout, lamprey, and many other species far into the future.
- More than 120 riparian or wetland acres were prepared, planted, or maintained, advancing the establishment of native riparian plants which will increase future stream shading, filtering of nutrients, and large wood recruitment.
- As part of a restoration-based partnership, nearly two miles of new stream channel were created and 30 acres of adjacent floodplain regraded in a natural channel design.
- Throughout the watershed 21 sites were monitored for up to nine water quality parameters.
- Through the Siuslaw Watershed Camps, 55 local and visiting youth learned about watershed health and participated in restoration at sites around the watershed.
- SWC Projects created local jobs and work, including contracts and business with local tree fellers, heavy equipment operators, log truck drivers, surveyors, contractors, marinas, restaurants, nurseries, and more.

When we all work together donations can leverage up to triple their value, resulting in on-the-ground restoration accomplishments, monitoring, or education. Your memberships, volunteer efforts and donations in combination with grant funding make this leverage possible and is essential to continuing our work in 2017 and beyond. Your cash donation is especially important as it can be used to develop projects and submit grant applications, which is not otherwise reimbursable by grantors. Donations are deductible to the full extent of the law. The SWC tax identification number is 93-1234456. Please return the enclosed envelope with your membership and donation. Thank you again for your involvement in the Siuslaw Watershed Council as we work to restore the watershed and build robust communities!

Sincerely,

Dave Cramsey
President, SWC Board of Directors

Dan Carpenter
Executive Director

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Siuslaw Watershed Council Mission Statement

The Siuslaw Watershed Council supports sound economic, social and environmental uses of natural and human resources in the Siuslaw River Basin. The Council encourages cooperation among public and private watershed entities to promote awareness and understanding of watershed functions by adopting and implementing a total watershed approach to natural resource management and production.
Registration

REGISTRATION

The Oregon Sports Summit will be a day packed with knowledge and opportunity and will leave current and potential sports events planners inspired to create and further develop their sports events to reach new heights!

The Summit will be an opportunity for attendees to learn from professional and seasoned sports event leaders and be inspired to use their new knowledge to expand and grow their events. It will be an opportunity to network and collaborate with local and regional sports events planners, venue facilities, sports organizations and vendors.

Vin Lananna, President of USA Track & Field, President of TrackTown USA and the 2016 U.S. Olympic Head Coach – Men's Track and Field will be the Keynote Speaker.

Location
Valley River Inn
1000 Valley River Way
Eugene, OR 97401
Parking: Attendees will park in the hotel parking lot adjacent to the hotel - all parking is complimentary.

Attire: Dress is business casual.

Schedule of Events
• 7:30 a.m. – 8:00 a.m. Registration Open
• 8:00 a.m. – 8:30 a.m. Welcome Breakfast Session
• 8:35 a.m. – 12:00 p.m. Morning Sessions
• 12:00 p.m. – 1:30 p.m. Keynote Lunch
• 1:40 p.m. – 5:00 p.m. Afternoon Sessions
• 5:00 p.m. – 7:00 p.m. After Party

Scholarships
The Eugene, Cascades & Coast Sports Commission is happy to extend a limited number of full and partial scholarships to qualified applicants who have a financial need and would like to attend the Oregon Sports Summit.

Submissions for scholarship applications has past. Thank you to all who applied. All scholarship applicants will be contacted by January 6, 2017.

Registration
All event registrations include – welcome breakfast, full access to all sessions, keynote lunch, and the after party.

Cost
Early Registration - $75 (11/10/16 - 1/12/17)
Registration - $95 (1/13/17 - 1/31/17)

Day of Registration - $125 *limited number

Cancellation Policy: Oregon Sports Summit event registrations must be canceled more than 3 days prior to the event to be eligible for a full refund. Oregon Sports Summit event registrations not kept, or canceled less than 24 hours prior to the event will not be eligible for a refund, or will be billed if they have not yet been paid. Please call 541.743.8765 with any questions regarding the cancellation policy.

REGISTER NOW

FOR MORE INFORMATION

Jessica Shefferman
Director of Event Operations
Phone: 541.743.8765
Email: JessicaS@EugeneCascadesCoast.org
STAFF REPORT TO COUNCIL
JANUARY 12, 2017

RE: RESOLUTION SERIES 2017, NO. 1 (1-12-2017) – Establishing the rate of tax on the sale of marijuana items by recreational marijuana retailers in the City of Dunes City.

AND

RE: RESOLUTION SERIES 2017, NO. 3 (1-12-2017) – Approving an Intergovernmental Agreement between Dunes City and the Oregon Department of Revenue for Collection of a City Tax on the sale of marijuana items by marijuana retailers in the City of Dunes City.

REPORT IN BRIEF:

At the general election held November 8, 2016, the voters of Dunes City approved the imposition and collection of a sales tax on marijuana items sold by recreational marijuana retailers. The Dunes City Council must now set the tax rate to be imposed upon those sales, bearing in mind that per State law, the rate cannot exceed Three Percent (3%).

The Oregon Department of Revenue has offered Cities an opportunity to enter into Intergovernmental Agreements (IGAs) for the administration and collection of the sales tax on sales of marijuana items sold by recreational marijuana retailers.

BACKGROUND:

Most of the cities, including the Cities of Florence and Reedsport, that had the marijuana taxation issue on the ballot in November have now established the tax rate to be collected at the maximum allowable by State law of Three Percent (3%).

Most of the cities, including the Cities of Florence and Reedsport, are opting to enter into IGAs with the Oregon Department of Revenue for the administration and collection of the sales tax on sales of marijuana items sold by recreational marijuana retailers.

DISCUSSION:

Dunes City does not currently have any recreational marijuana retailers doing business within its City limits. As a consequence, the City will not benefit from the sales tax imposition until such time as a recreational marijuana retailer does open a business within the City limits.
The City Council may choose to set the tax rate at the maximum of Three Percent (3%), or it may choose a lesser amount, in which case, such action could result in encouraging businesses to locate or relocate, to Dunes City to take advantage of the reduced sales tax.

**FISCAL IMPACT:**

Since there are no recreational marijuana retailers doing business within Dunes City limits, initially there will be no fiscal impact.

At such time as recreational marijuana retailers open for business within the City limits, should the City opt to enter into an IGA with the Oregon Department of Revenue for administration and collection of the sales tax, the City will be required to pay a one-time Core Systems Replacement Fee of $200.00 per recreational marijuana retailer, as well as an annual Administrative Services Fee calculated as $5940 ($99 x 60 hours), divided by the number of local governments having IGAs with the Department of Revenue in proportion to the number of retailers in each local government, all of which are currently unknowns. Also charged by the Department of Revenue will be a Business Fee based upon the Department’s annual expenses for the administration of all marijuana taxes divided by the number of retailers, but which cannot exceed 0.05 percent of the Department’s business division expenses for administration of all marijuana taxes. Again, these numbers are all unknowns at this time.

The Department of Revenue may request an increase in this amount if it is determined that the costs for administration of the sales tax exceed the amount to be paid to the Department of Revenue. (See proposed Intergovernmental Agreement). This increase would have to be by mutual agreement between the parties.

If the City chooses not to enter into an IGA with the Oregon Department of Revenue for the collection of the sales tax, the City would have to take on the responsibility of monitoring, collecting and administering the assessment and collection of the sales tax.

**ALTERNATIVE COURSES OF ACTION**

The City Council may choose to set the tax to be collected on the sale of marijuana items by recreational marijuana retailers at the maximum allowable by law, that is, Three Percent (3%), or may choose to set the tax at a lower rate.

The City Council may choose to enter into an Intergovernmental Agreement with the Oregon Department of Revenue for the supervision and administration of the local tax on the sales of marijuana items by recreational marijuana retailers.

In the alternative, the City Council may choose to establish its own system to supervise, administer and collect the local sales tax.
RECOMMENDATIONS/SUGGESTED MOTION

Staff makes no recommendation as to the establishment of a tax rate.

Staff recommends that the question of entering into an IGA with the Oregon Department of Revenue be put on hold until Dunes City actually has a recreational marijuana retailer doing business within the City limits.

Staff recommends that the City Council set as a priority the development of ordinances and/or regulations that address the many issues surrounding the location of marijuana facilities of all kinds, whether they be retail businesses, commercial indoor or outdoor growing operations, processing facilities, or any other phase of the recreational marijuana growth, processing, and sales enterprises. Such regulations might, for example, look at restrictions on types and applications of fertilizers and pesticides to protect our fragile water resources, or might include the identification of a commercial district or other type of zoning change to aid in centralizing businesses to one section within the City limits for ease in enforcing ordinances and other inspections that may be necessitated.

RESPECTFULLY SUBMITTED THIS 12TH DAY OF JANUARY, 2017.

[Signature]
JAMIE MILLS
DUNES CITY ADMINISTRATOR
Oregon Marijuana Tax
Statistical Report

January - March 2016

OREGON DEPARTMENT OF REVENUE
If you have questions about this report, contact dor.research@oregon.gov

If you are a business with questions about your tax, contact marijuanatax.dor@oregon.gov

December 2016

Please cite this report when using information from it.

Suggested citation:

Disclaimer:
This report provides a general description and statistics related to Oregon’s marijuana tax. It is not intended to serve as legal interpretation or advice.
Introduction

The purpose of this report is to help policymakers and the general public understand how Oregon’s marijuana tax program operates and the characteristics of taxed recreational marijuana sales in Oregon. This document is the first report by the Department of Revenue to describe this new tax program using data from tax returns filed by registered marijuana businesses. Oregon’s marijuana tax and its operation contain complexities and nuances that differ from other types of taxes. The intent of this document is to assist readers in understanding these items.

Oregon’s Marijuana Tax Timeline

November 2014: Oregon voters approve Measure 91 in a statewide general election, for the purpose of legalizing the production, processing, delivery, possession, and sale of recreational marijuana among adults. Legalized medical marijuana in Oregon already existed because of the approval of Measure 67 in 1998.

July 2015: Adults may possess limited quantities of usable recreational marijuana, up to one ounce outside their homes, and eight ounces at home, but may not buy or sell it until approved retail outlets are available.

October 2015: Based on legislative action (Senate Bill 460), medical marijuana dispensaries registered with the Oregon Health Authority (OHA) may sell limited recreational marijuana products (flower, leaves, seeds, and immature plants) to adults for a limited period, between October 1, 2015 and December 31, 2016. This temporary arrangement, sometimes called Early Start, gives adults a way to purchase the newly legal products in the interim, before the Oregon Liquor Control Commission (OLCC) is able to issue retail licenses. No state retail tax is imposed between October 1, 2015 and January 3, 2016.

January 2016: Sales from medical dispensaries to adults under the temporary program become taxable at a temporary state tax rate of 25 percent of the retail sales price. Cities and counties are prohibited from imposing their own taxes except as outlined in House Bill 3400 of 2015.

June 2016: Based on legislative action and administrative rule, additional product types (edibles, extracts, and non-psychoactive topicals) may be sold by medical marijuana dispensaries in the temporary program.

October 2016: The Oregon Liquor Control Commission issues the first licenses to retailers of recreational marijuana, and those retailers begin operating. The permanent phase of recreational retail sales has begun. For retailers with licenses from OLCC, sales to adults are taxable at a state tax rate of 17 percent of the retail sales
price. Medical cardholders may purchase tax-free from OLCC-licensed retailers. Recreational sales made to adults at medical marijuana dispensaries registered with the Oregon Health Authority are still taxed at the state rate of 25 percent, but that temporary program is phasing out. As additional OLCC licenses are issued and retailers surrender their OHA registrations, those retail sales are taxed at the state rate of 17 percent.

**November 2016:** Voters in many counties and cities vote on the establishment of local-level marijuana taxes. These taxes may not exceed three percent for recreational marijuana. Medical marijuana may not be taxed locally.

**January 2017:** The temporary sales program ends. As prior to the temporary program, medical marijuana dispensaries registered with the Oregon Health Authority that have not converted to OLCC licensed retailers may only sell to medical cardholders. Sales made at OLCC licensed retailers are taxed at 17 percent (state tax), plus a possible local tax of up to three percent, depending on the outcome of local elections.

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### Legislative History of the Marijuana Tax

**2014**

**Measure 91** was approved by Oregon voters in 2014. Briefly, Measure 91 legalized the production, processing, delivery, possession, and sale of recreational marijuana among adults. The measure outlined taxation, regulation, and the distribution of tax revenue. The Oregon Legislative Assembly made several changes to law after that time. The most significant changes related to marijuana taxation are the following.

**2015**

**House Bill 2041** changed the tax structure that was approved in Measure 91 to a tax on the retail sale of marijuana to be collected by the retailer from the consumer at the time of the retail sale. The regular state tax rate was established as 17 percent of the retail sales price across all types of marijuana products. The bill specified a state tax rate of 25 percent of the retail sales price for sales made under the Early Start program, effective from January 4, 2016 through December 31, 2016. The state tax rate of 17 percent applies effective January 1, 2017 or if the retailer has been licensed and is operating under the authority of OLCC, whichever comes first.

**House Bill 3400** authorized a local option tax of three percent or less on the sale of recreational marijuana items, subject to local approval in a statewide general election. Local areas may not tax medical marijuana.

**Senate Bill 460** allowed medical dispensaries registered with OHA to sell limited marijuana to adults, as a short-term policy to allow recreational consumers to buy marijuana prior to the issuance of retail licenses by OLCC.

**2016**

**Senate Bill 1601** declared that retail sales to medical marijuana cardholders or designated primary caregivers purchasing for cardholders are not subject to taxation, either by the state, cities, or counties. Cardholders must provide proof at the time of purchase. The bill also stated that marijuana retailers may not discount marijuana items when selling them in conjunction with other items, and that a subtraction from federal income is allowed in Oregon for any federal deduction that a taxpayer would have been allowed if not for section 280E of the Internal Revenue Code. That section prohibits businesses from deducting expenses associated with the sale of federally controlled substances, which includes marijuana.

**Senate Bill 1511** expanded the types of marijuana products that medical marijuana dispensaries may sell to recreational customers during the Early Start period, including edibles, topicals, and receptacles. The bill also set up a structure in which the recreational marijuana system regulated by the OLCC may produce and provide medical marijuana for cardholders.
Understanding Oregon’s Marijuana Tax Administration and Statistics

Under Oregon’s recreational marijuana tax system, businesses that sell recreational marijuana to consumers collect the marijuana tax from consumers at the point of sale. In this tax program, the word \textit{business} refers to a specific physical retail location, also known as an \textit{establishment}, rather than a company that might operate several different locations.

On a monthly basis, businesses submit their collected tax for the previous month to the Oregon Department of Revenue. For example, payments are due by the end of November for sales that occurred during October. The Department of Revenue calls these monthly submissions payments or receipts, because they are amounts that businesses have paid and the department has received. It’s important to note that payments made by businesses may not directly match the tax that is owed (the liability). An explanation follows.

On a quarterly basis, retail marijuana businesses fill out and submit tax return forms to the Department of Revenue. Each business location, rather than company, files its own separate return. On these tax return forms, businesses write the dollar value of the products they sold, which allows them to calculate their tax liability for the quarter. Liability is the amount of tax that corresponds to the reported sales.

Using the tax return, the Department of Revenue compares the liability amount to the payments each business made during the previous months to determine whether the business submitted the correct amount in payments. If the business submitted too little, they owe additional money to the state and need to pay more. If the business submitted too much, the extra is usually treated as an early payment to cover future liability. Refunds greater than $1,000 are prohibited by state law for the marijuana tax.

Although it would be convenient if payments matched perfectly with tax liability, it’s better to think of payments as a close estimate of what businesses expect they will owe in taxes. Since businesses might have paid too much, too little, or off schedule, the value of payments received by the Department of Revenue within a time period does not provide full information about the tax liability of businesses nor sales within the same time period. The best source of information about sales amounts and tax revenue is tax return forms, rather than payment information.

Businesses use tax returns to report the quantity sold of each of the product types written in law (for example, flower in grams, edibles in units, or immature plants in number of plants), the dollar value of sales for each product type, the tax-exempt sales made to medical marijuana cardholders, and the total dollar value of taxable sales. Businesses are allowed to keep two percent of the tax money they collect to cover the administrative costs of collecting the tax. After multiplying taxable sales by the tax rate and subtracting the administrative allowance, the result is the tax liability for the quarter.

If a business does not file a tax return but the Department of Revenue believes it should have, the Department of Revenue files a return on behalf of the business, adding a penalty for the lack of filing. Unless the business files its own return to correct the liability amount, the business owes taxes for the liability calculated by the state. Unfortunately, when businesses do not file tax returns, the department is unable to include their information in detailed statistical reporting in this document to help policymakers and the public understand industry patterns and policy impacts.
Terms Used in this Report

**Average grams by establishment.** Grams of flower sold during the quarter by each business filing a return in the region, added together and divided by the number of filed returns in the region. An estimate of the average sales volume. Rounded to the nearest thousand grams.

**Establishment.** Physical retail location of a business that is selling recreational marijuana and submitting marijuana tax to the Department of Revenue.

**Filed returns.** Tax return forms that are submitted by businesses and filled out adequately for purposes of statistical reporting.

**Liability.** Amount of tax that corresponds to the reported taxable retail sales of marijuana. If not reported by the business, the liability is estimated by the Department of Revenue.

Important Notes about City and County Level Reporting

Even though several cities and counties have requested special tabulations of revenue associated with their jurisdictions, the Department of Revenue is reporting statistics at the regional level rather than for specific cities or counties. The City of Portland is the only exception, because of its outstandingly large number of marijuana businesses as well as the very large number of marijuana businesses in the greater Portland area that are not within the city limits.

The reason for this limited geographic breakdown is that state law requires the Department of Revenue to protect any information that can be traced to particular tax returns. This principle extends to small groups of returns, because it may be possible to calculate information sourced from one return if other outside information is also available, such as in a newspaper article or knowledge held by one of the covered taxpayers.

Because of state marijuana tax law and the geographic pattern of marijuana businesses, the department cannot release information for both a city and the county that contains that city. Often, only a few businesses are located outside of city limits within a given county. The department cannot release two pieces of information that a reader could compare or subtract to learn something confidential that was itself not directly released. The department also cannot release information about whether a specific taxpayer did or did not file a tax return.

Unfortunately, not all businesses have filed tax returns yet. Tax returns are the main source of information about sales made by marijuana retail establishments. The number of establishments that exist is not always a good indicator of the number of tax returns that are available for reporting of detailed sales statistics.

State Revenue Distribution Formula

After administrative expenses, the current distribution of state recreational marijuana tax revenue is as follows. Common School Fund: 40%. Mental Health, Alcoholism, and Drug Services Account: 20%. Oregon State Police: 15%. Cities (by formula, if not opted-out of licensing): 10%. Counties (by formula, if not opted-out of licensing): 10%. Oregon Health Authority: 5%. Marijuana tax revenue does not go into the General Fund. Distributions are not allowed until start-up costs and administrative expenses have been reimbursed.
Oregon Marijuana Tax Statistics: Accounting Information

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount Received (Gross)</th>
<th>Marijuana Tax Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2016</td>
<td>$2,484,170</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>March 2016</td>
<td>$4,358,754</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>April 2016</td>
<td>$3,735,111</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>May 2016</td>
<td>$4,339,440</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>June 2016</td>
<td>$5,735,508</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>July 2016</td>
<td>$5,533,949</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>August 2016</td>
<td>$7,345,281</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>September 2016</td>
<td>$6,679,585</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>October 2016</td>
<td>$7,831,157</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>November 2016</td>
<td>$6,463,877</td>
<td></td>
</tr>
<tr>
<td>Year to Date</td>
<td>$54,506,832</td>
<td></td>
</tr>
</tbody>
</table>

Source: Oregon Department of Revenue Research Section (monthly receipt report data)

Note: Amounts reflect payments made by businesses during the calendar month, rather than tax liability. Tax liability is determined by a tax return. Amounts cannot be directly translated to sales made by businesses to consumers, for several reasons. Retailers retain two percent of taxes collected as a reimbursement for the cost of tax collection. Payments might have been made later than when they were due, especially when the program was new.

Date updated: December 6, 2016
Oregon Marijuana Tax Statistics: Characteristics of Filed Returns
2016 Quarter 1: sales occurring January 4, 2016 through March 31, 2016

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Filed Returns¹</th>
<th>Grams of Flower Sold² (rounded)</th>
<th>Establishment (rounded)</th>
<th>Average Price per Gram</th>
<th>Sales for All Products (rounded)</th>
<th>State Tax Liability³ for the Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central/Gorge/Northeastern</td>
<td>23</td>
<td>406,000</td>
<td>18,000</td>
<td>$8.19</td>
<td>$3,324,000</td>
<td>$814,459</td>
</tr>
<tr>
<td>Oregon Coast</td>
<td>28</td>
<td>376,000</td>
<td>13,000</td>
<td>$8.98</td>
<td>$3,382,000</td>
<td>$828,583</td>
</tr>
<tr>
<td>Portland City Limits</td>
<td>109</td>
<td>2,170,000</td>
<td>20,000</td>
<td>$8.42</td>
<td>$18,274,000</td>
<td>$4,476,425</td>
</tr>
<tr>
<td>Portland Surrounding Areas</td>
<td>24</td>
<td>869,000</td>
<td>36,000</td>
<td>$9.42</td>
<td>$8,188,000</td>
<td>$2,006,167</td>
</tr>
<tr>
<td>Southern Oregon</td>
<td>23</td>
<td>273,000</td>
<td>12,000</td>
<td>$8.84</td>
<td>$2,414,000</td>
<td>$591,883</td>
</tr>
<tr>
<td>Willamette Valley</td>
<td>46</td>
<td>903,000</td>
<td>20,000</td>
<td>$9.07</td>
<td>$8,183,000</td>
<td>$2,000,658</td>
</tr>
<tr>
<td><strong>Statewide Total</strong></td>
<td><strong>253</strong></td>
<td><strong>4,997,000</strong></td>
<td><strong>20,000</strong></td>
<td><strong>$8.76</strong></td>
<td><strong>$43,766,000</strong></td>
<td><strong>$10,718,176</strong></td>
</tr>
</tbody>
</table>

¹Approximately 25 percent of businesses either did not file any tax return for Quarter 1 or filed one that did not contain sensible component information.
²Grams sold only includes flower. Sales of leaves, seeds, and immature plants are too few to report.
³The total liability this quarter is $13,455,202. That includes returns filed by the Department of Revenue because businesses did not file.

Most businesses made payments even if they didn't file a return.
Some payments were submitted late during the first quarter of the marijuana tax.
The presence of rounding may prevent exact matching of mathematical calculations.

Source: Oregon Department of Revenue Research Section
Statistics as of October 10, 2016
RESOLUTION SERIES 2017, NO. 1 (1-12-2017)

A RESOLUTION ESTABLISHING THE RATE OF A TAX ON THE SALE OF MARIJUANA ITEMS BY RECREATIONAL MARIJUANA RETAILERS IN THE CITY OF DUNES CITY.

WHEREAS, ORS 475B.345 allows the City of Dunes City to impose a local tax of up to Three Percent (3%) on retail sales of marijuana items within the City if the local tax is approved by the voters of the City at general election; and

WHEREAS, the Dunes City Council referred Ordinance No. 239, an ordinance imposing a local tax on sales of marijuana items by recreational marijuana retailers within the City, to the voters of Dunes City at the November 8, 2016 general election; and

WHEREAS, on November 8, 2016, the voters of the City of Dunes City approved Ordinance No. 239; and

WHEREAS, Section 2 of Ordinance No. 239 provides that the Dunes City Council will, by resolution, establish a tax rate of up to Three Percent (3%) on the sale of marijuana items by recreation marijuana retailers in the City of Dunes City;

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

SECTION 1. Pursuant to Section 2 of Ordinance No. 239, the City Council of the City of Dunes City hereby establishes a tax rate of ____________________ Percent (______%) of the retail sale price for each marijuana item sold by a recreational marijuana retailer to a consumer within the City of Dunes City.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect on January 1, 2017.

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF ______________________, 2017.

Ayes: ______ Nays: ______ Abstain: ______ Absent: ______ Vacant: ______

______________________________
Sheldon Meyer, Council President

ATTEST:

______________________________
Jamie Mills, City Administrator
CITY OF DUNES CITY, 
LANE COUNTY, OREGON

ORDINANCE NO. 243

AN ORDINANCE AMENDING ORDINANCE NO. 239 RELATING TO COLLECTION OF A TAX ON THE RETAIL SALES OF RECREATIONAL MARIJUANA ITEMS IN THE CITY OF DUNES CITY, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, Section 4 of the Charter of the City of Dunes City provides:

The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers; and

WHEREAS, ORS 475B.345 allows the City of Dunes City to impose a local tax of up to 3% on retail sales of recreational marijuana items within the City if the local tax is approved by the voters of the City at general election; and

WHEREAS, the Dunes City Council referred Ordinance No. 239, an Ordinance imposing a local tax on retail sales of recreational marijuana items within the City, to the voters of Dunes City at the November 8, 2016, general election; and

WHEREAS, on November 8, 2016, the voters of the City of Dunes City approved Ordinance No. 239; and

WHEREAS, the Dunes City Council wants to ensure both that the City can administer its local recreational marijuana tax if need be, but that the City also has the flexibility to contract with another agency or entity to administer the tax;

WHEREAS, the Dunes City Council wants to codify all the provisions relating to collection of a sales tax on the sale of recreation marijuana items within Dunes City limits;

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

SECTION 1. Ordinance No. 239 is amended to read as follows:

“§122.05 ESTABLISHMENT

In furtherance of the approval of the majority of the voters of the City of Dunes City held on Tuesday, November 8, 2016, Title XI, Business Regulations, Chapter 122, entitled “Recreational Marijuana Sales Tax” of the Dunes City Code of Ordinances is hereby established.
§ 122.10 DEFINITIONS

The following words and phrases as used in this Chapter 122 shall have the following meanings:

A. “City” means the City of Dunes City.

B. “Tax Administrator” means the City Administrator/Recorder of the City of Dunes City, the City Administrator/Recorder’s designee, and/or another individual or entity designated by the City to collect the tax on behalf of the City.

C. “Consumer” means a person who purchases acquires, owns, holds or uses marijuana items other than for the purpose of resale.

D. “Marijuana item” means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts as defined in ORS 475B.015.

E. “Marijuana retailer” means a person licensed under ORS 475B.110 who sells marijuana items to a consumer in the State of Oregon.

F. “Person” means individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

G. “Retail sales price” means the total consideration paid to a marijuana retailer for a marijuana item by or on behalf of a consumer, excluding any tax.

§ 122.15 TAX IMPOSED

The City of Dunes City hereby imposes a tax on each recreational marijuana item sold to a consumer within the City of Dunes City by a marijuana retailer. The City Council shall set the tax rate by resolution; however, the tax rate adopted by the City Council shall not exceed Three Percent (3%) of the retail sales price of each recreational marijuana item sold. The tax constitutes a debt owed by the consumer to the City and shall be extinguished only by payment to the marijuana retailer or to the City.

§ 122.20 COLLECTION

A. The consumer shall pay the tax to the marijuana retailer at the time of the purchase or sale of the recreational marijuana item. Every marijuana retailer shall collect the tax from the consumer at the time of the sale of a recreational marijuana item. The tax collected by the marijuana retailer shall be held in trust by the marijuana retailer for payment to the City. The marijuana retailer shall remit the tax to the Tax Administrator. The Tax Administrator is authorized to exercise all supervisory and administrative powers with regard to the administration, collection and enforcement of the tax authorized by this Chapter 122.
B. Notwithstanding any provision of this Chapter 122, the City may enter into an intergovernmental agreement authorized by ORS 190.010, ORS 190.110, or ORS 305.620 for collection of the tax imposed by Section 122.15 herein. The City Council shall authorize by resolution any intergovernmental agreement entered into pursuant to this Section 122.20(B), after making a finding that any collection, enforcement, appeal, or refund procedures authorized by the intergovernmental agreement are comparable to, or provide greater protections to marijuana retailers and to the public, than the procedures set out in Sections 122.25 through and including Section 122.40 herein. If an intergovernmental agreement entered into pursuant to this Section 122.20(B) is approved by City Council resolution, the tax collection and enforcement procedures authorized by the intergovernmental agreement shall govern collection of the tax imposed by Section 122.15 herein as provided in the intergovernmental agreement.

§ 122.25 ACCOUNTING AND RECORDS

A. Every marijuana retailer must keep and preserve, in a generally accepted accounting format used for reporting revenue and taxes due on business activity, detailed records of all sales made and all taxes collected. Every marijuana retailer must keep and preserve such records for a period of Six (6) years. The Tax Administrator shall have the right to inspect all such records at reasonable times.

B. For purposes of determining the accuracy of any tax return or for the purpose of an estimate of taxes due, the Tax Administrator may examine any books, papers, records, or memoranda bearing upon the marijuana retailer’s tax returns, including copies of the marijuana retailer’s state and federal income tax returns and copies of the marijuana retailer’s state marijuana tax returns. All books, invoices and other records shall be made available within the City for examination by the Tax Administrator during regular business hours.

§ 122.30 PENALTIES AND INTEREST

A. Any marijuana retailer who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this Chapter 122 prior to delinquency shall pay a penalty of Ten Percent (10%) of the amount of the tax due in addition to the amount of the tax.

B. Any marijuana retailer who has not been granted an extension of time for remittance of tax due, and who fails to pay any delinquent remittance on or before a period of Thirty (30) calendar days following the date on which the remittance first becomes delinquent, shall pay a second delinquency penalty of Fifteen Percent (15%) of the amount of the tax due plus the amount of the tax and the Ten Percent (10%) penalty first imposed.

C. If the Tax Administrator determines that the nonpayment of any remittance due under this Chapter 122 is due to fraud or intent to evade the provisions of this
Chapter 122, a penalty of Twenty-five Percent (25%) of the amount of the tax shall be added to the amount of the remittance due, in addition to the penalties stated in subsections A and B of this section.

D. In addition to the penalties imposed, any marijuana retailer who fails to remit any tax imposed by this Chapter 122 shall pay interest at the rate of One-half of One Percent (1/2 of 1%) per month or fraction thereof, without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first becomes delinquent, until paid.

E. Every penalty imposed and any interest that accrues under the provisions of this Chapter 122 shall be merged with, and become a part of, the tax required to be paid.

§122.35 APPEAL

A. Any person aggrieved by a decision of the Tax Administrator may appeal to the City Administrator/Recorder by filing a notice of appeal with the Tax Administrator within Ten (10) calendar days of the date the notice of decision is served or mailed. The Tax Administrator shall fix a time and place for hearing the appeal and shall give the appellant Ten (10) calendar days' written notice of the time and place of the hearing.

B. Any person aggrieved by any decision of the City Administrator/Recorder under subsection A of this section may appeal to the Council by filing a notice of appeal with the Tax Administrator within Ten (10) calendar days of the date the City Administrator/Recorder's decision is served or mailed. The Tax Administrator shall transmit the notice, together with the file of the appealed matter, to the City Council, who shall fix a time and place of hearing the appeal. The City Council shall give the appellant not less than Ten (10) calendar days written notice of the time and place of hearing the appeal.

§122.40 REFUND

Whenever the amount of any tax imposed under this Chapter 122 has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the Tax Administrator within Three (3) years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the Tax Administrator approves the claim, the excess amount collected or paid may be refunded to, or may be credited on any amounts then due and payable from the marijuana retailer from whom it was collected or by whom it was paid and the balance may be refunded to the marijuana retailer or the marijuana retailer’s administrators, executors or assigns.”
SECTION 2. SEVERABILITY.

Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day after its adoption.

The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the _____ day of ________________, 2017.

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 __________________, 2017.

Ayes: ___________ Nays:_________ Abstain: _____ Absent: _____ Vacant: ______

ADOPTED BY THE DUNES CITY COUNCIL THIS ______ DAY OF ________________, 20____6.

____________________________
Sheldon Meyer, Council President

ATTEST:

____________________________
Jamie Mills, City Recorder
STAFF REPORT TO COUNCIL  
JANUARY 12, 2017  

RE: ORDINANCE NO. 241, ANIMAL CONTROL CODE

REPORT IN BRIEF:

On June 9, 2005, the Dunes City Council adopted Ordinance No. 178, an Ordinance concerning the regulation of dogs and other animals within the corporate limits of Dunes City. In July of 2007, the City entered into an Intergovernmental Agreement (IGA) with Lane County for animal control services in furtherance of Ordinance No. 178. Everything worked well until the County dissolved the Lane County Animal Regulation Authority due to budget cuts and terminated the IGA with Dunes City. The language of Ordinance No. 178 specifically assigns enforcement and implementation duties to the Lane County Animal Regulation Authority which no longer exists.

This proposal corrects the implementation and enforcement issue by naming the City Administrator and/or Code Enforcement Officer, or their designee, as the individuals responsible for the implementation and enforcement of the provisions of the Code. At the same time, the language of the Code was updated to comply with State law and to increase fees to cover administration costs.

BACKGROUND:

While most of the time dog issues are relatively few, recently there have been more and more complaints filed as dogs are permitted to roam at-large throughout the City. This would be a violation of Dunes City Code, punishable by fines and assessments and other relief under Ordinance No. 178, however, we have no one in the City who has the authority to implement or enforce it. Recently, Lane County transferred its dog regulating authority to its Parks and Recreation Department. The Dunes City Administrator has been in contact with the director of that division to discuss the possibility of an IGA for enforcement of our dog ordinance. The response was they do not have enough staff to bring someone over to Dunes City, except on a sporadic basis based on availability of staff. The City Administrator also discussed the issue with the City of Florence, who is also seeking an IGA with Lane County and wants to dissolve its animal control division, including ceasing to issue licenses.

DISCUSSION:

With the increase in complaints regarding dogs roaming at-large and defecating on other people’s personal property, Dunes City needs to either do away with its animal control code all together, or to grant the Dunes City Code Enforcement Officer the authority to enforce the City’s current Code.
FISCAL IMPACT:

Since the dissolution of the Lane County Animal Regulation Authority, no one has issued dog licenses in Dunes City. Staff believes issuance and tracking dog licenses in Dunes City would be a relatively small task that would provide great benefits to the citizens. The program should be designed to cover all costs incurred by the City in its implementation.

ALTERNATIVE COURSES OF ACTION

The City Council may choose to amend the language of the Animal Control Ordinance to grant the authority to the Dunes City Code Enforcement Officer to implement and enforce the Ordinance provisions.

In the alternative, the City Council may choose to repeal Ordinance No. 178 in its entirety and not provide animal control services to its residents at all.

RECOMMENDATIONS/SUGGESTED MOTION

Staff recommends passage of Ordinance No. 241 and the supporting resolutions for fees.

Staff requests the Council to instruct the City Administrator to continue to negotiate for an IGA with Lane County for implementation and enforcement of the provisions.

Staff further recommends that the City Council set as a priority the development and implementation of an educational program to inform Dunes City residents regarding the provisions of the Animal Control Ordinance.

Staff also requests that the City Council approve the acquisition of covered kennel facilities to temporarily hold stray animals until such time as the owners can retrieve the animals or until such time as the Code Enforcement Officer can transport that animal to the Humane Society or some other facility for long term captivity. Such a facility could also be used in the event of an earthquake or other devastating event to house animals safely while citizens are seeking shelter at City Hall.

RESPECTFULLY SUBMITTED THIS 12TH DAY OF JANUARY, 2017.

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JAMIE MILLS
DUNES CITY ADMINISTRATOR
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 hutchtes.

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 INITIATING 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.

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___.

____________________________________
Rebecca Ruede, Mayor

ATTEST:

____________________________________
Jamie Mills, City Recorder
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 January 12, 2017, 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: ______

______________________________
Sheldon Meyer, Council President

ATTEST:

______________________________
Jamie Mills, City Administrator
RESOLUTION SERIES 2017, NO. 3 (1-12-2017)

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DUNES CITY AND THE OREGON DEPARTMENT OF REVENUE FOR COLLECTION OF A CITY TAX ON THE SALE OF MARIJUANA ITEMS BY MARIJUANA RETAILERS IN THE CITY OF DUNES CITY.

WHEREAS, ORS 475B.345 allows the City of Dunes City to impose a local tax of up to 3% on retail sales of recreational marijuana items within the City if the local tax is approved by the voters of the City at general election; and

WHEREAS, the Dunes City Council referred Ordinance No. 239, an ordinance imposing a local tax on sales of marijuana items by recreational marijuana retailers within the City, to the voters of Dunes City at the November 8, 2016, general election; and

WHEREAS, on November 8, 2016, the voters of the City of Dunes City approved Ordinance No. 239; and

WHEREAS, Section 2 of Ordinance No. 239 provides that the Dunes City Council will, by resolution, establish a tax rate of up to 3% on the sale of marijuana items by recreational marijuana retailers in the City of Dunes City; and

WHEREAS, on January 12, 2017, the Dunes City Council adopted a resolution setting rate of the local marijuana tax at ____________ Percent (___%); and

WHEREAS, on January 12, 2017, the Dunes City Council adopted Ordinance No. 243, which provides that the City Council must make certain findings before approving an intergovernmental agreement for the collection of the tax imposed by the City pursuant to ORS 475B.345; and

WHEREAS, ORS 305.620 allows the Oregon Department of Revenue to collect taxes imposed by the City pursuant to ORS 475B.345; and

WHEREAS, it is administratively efficient for the Department of Revenue to collect the tax imposed by the City pursuant to ORS 475B.345;

NOW THEREFORE, THE CITY OF DUNES CITY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby finds that the collection, enforcement, appeal, and refund procedures authorized by the Marijuana Tax Collection Agreement attached to this Resolution as
Exhibit A are comparable to, or provide greater protections to marijuana retailers and to the public, than the procedures set out in Section 1 of Ordinance No. 243, specifically codified as §122.25 through and including §122.40 of Chapter XI of the Dunes City Code of Ordinances.

SECTION 2. The City Administrator is authorized and directed to sign the Marijuana Tax Collection Agreement attached to this Resolution as Exhibit A.

SECTION 3. EFFECTIVE DATE. This resolution shall take effect on the same date as Ordinance No. 243.

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF __________________, 2017.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

_________________________
Sheldon Meyer, Council President

ATTEST:

_________________________
Jamie Mills, City Administrator
City Administrator/City Recorder Report to City Council

January 12, 2017 ~ Prepared by Jamie Mills

Happy New Year! There were 16 permits issued in December, 6 of which were electrical, 7 mechanical, 3 structural. 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.

Neither the Planning Commission nor the Title 15 Citizens Advisory Committee (CAC) met during the month of December. We received two applications for appointment to the Planning Commission, but one was later withdrawn and another was from someone who is not yet a resident of Dunes City so, unfortunately, it had to be denied.

Septic letters continue to go out and compliance numbers are increasing. I am following through with our abatement proceedings against properties that have refused to comply. We have another hardship case request that I am working with.

Water meters have been read (all that were possible to read) and the usage report has been sent to the State as required. The Audit is finished and we should be receiving the formal version soon. There was one request for public information processed this month. There were two dog complaints filed this month. I have also processed a repeat offender Findings and Order for allowing a dog to roam at large. Another is still pending, awaiting personal service of the document. We had to replace the hot water heater in the kitchen at City Hall, as well as the toilet paper dispenser in the women’s restroom.

I have sent a letter to the new owner of the Siltcoos Dam regarding the portage and anxiously await his reply.

We have received the recorded copy of the Deed conveying the unimproved roadways of Tsiltoos Lake Club Plat from Lane County to Dunes City. I am requesting an ad hoc committee be formed to develop a plan for use of the lands.

Richard Palmer and I have met and discussed a possible plan of action for the next three months for roadway maintenance and repair.

Respectfully submitted,

Jamie Mills
Recorder/City Administrator
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# Dunes City Hall

## January 2017

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Dunes City Admin

All meetings at Dunes City Hall unless otherwise noted.

1/4/2017 4:12 PM
# Dunes City Hall

**February 2017**

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