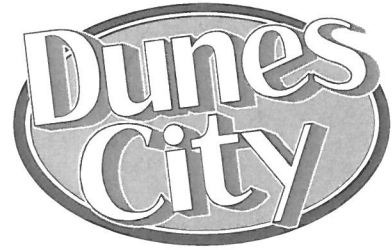


## **Dunes City Council ~ Regular Meeting**

**Wednesday, November 14, 2018 ~ 6:00 pm**

*The meeting will adjourn not later than 9:00 pm. If agenda items are not completed, the meeting will continue the next Wednesday at 6:00 pm.*



### **AGENDA**

1. **Call to Order**..... Mayor Robert Forsythe
2. **Roll Call** ..... City Administrator
3. **Pledge of Allegiance to the Flag**..... Mayor Robert Forsythe
4. **Motion to Approve the Agenda**..... **Action Item**
5. **Consent Agenda**..... **Action Item**

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

- A. City Council Regular Meeting Minutes from October 10, 2018
- B. Bills of the Session through November 6, 2018
- C. Receipts of the Session through November 6, 2018

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

- A. There is a blue green algae bloom occurring on Siltcoos Lake. Water testing by the Oregon Health Authority determined levels of the bacteria to pose a possible threat to vulnerable populations such as children under 5 years of age, the elderly, pregnant women, and individuals with immune deficiency disorders. Testing will continue until the results reveal non-threatening levels. Individuals who wish to receive emails with updates on the bloom can contact City Hall and ask to be added to the email list.
- B. Preliminary results of the November 6 election suggest that all four candidates have been re-elected to the positions for which they ran. The question regarding the ban of marijuana businesses passed, the question to amend the Charter to change provisions relating to a municipal court failed, and the question regarding assessment of the 5 year half-cent ad valorem tax failed. Election results will not be final until certified on or before November 26, 2018.
- C. Sand Dunes Frontier received the coveted 2018 Eugene, Cascades & Coast Destination Award from Travel Lane County earlier this year. The plaque was destroyed when the historic building in which it was displayed burned to the ground this past September.

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

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

A replacement plaque was presented to Sand Dunes Frontier during the October 31 Travel Lane County meeting in Florence.

- D. City Hall will be closed at noon on November 21<sup>st</sup> and will reopen on Monday, November 26<sup>th</sup> and will be closed from Monday, December 24<sup>th</sup> and will re-open on Tuesday, January 2<sup>nd</sup>, 2019.
- E. The City Council is scheduled to hold a public hearing on a Conditional Use Permit for boundary line adjustment at the December regular session. Councilors are asked to ensure their attendance at that meeting to keep costs to the City at a minimum.

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

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

**8. New Business**

- A. Discussion on options available to the City for disincorporation as a result of the voters denying imposition of a ½ cent per \$1000 valuation temporary ad valorem tax..... Discussion/**Action Item**
- B. Outlet Control Structure insurance coverage ..... Discussion/**Action Item**
- C. West Lane Emergency Operations Group Rules of Procedure ..... Discussion/**Action Item**
- D. Resolution No. 10, Series 2018, approving entry into an Intergovernmental Agreement to participate in the Western Lane Emergency Operations Group (WLEOG)..... Discussion/**Action Item**
- E. Appointment of applicants to Water Quality Committee: Andy Serrano, Bill Schwarz & Keith Garvey..... Discussion/**Action Item**
- F. Purchase of blue green algae test kits..... Discussion/**Action Item**
- G. Sustainable City Year Program request for participation..... Discussion/**Action Item**

**9. Executive Session**

None.

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**10. Old Business**

- |    |   |                                |
|----|---|--------------------------------|
| A. | Animal Control IGA with Lane County.....          | Discussion/ <b>Action Item</b> |
| B. | Adoption of floodplain management regulation..... | Discussion                     |
| C. | Do Not Feed the Deer signs.....                   | Discussion/ <b>Action Item</b> |

**11. Reports**

- |    |  |                   |
|----|--|-------------------|
| A. | Mayor's Report.....                                    | R. Forsythe       |
| B. | Community Center Report.....                           | D. Wells          |
| C. | Water Quality Report .....                             | S. Meyer/J. Mills |
| D. | Public Works Maintenance Supervisor's Report.....      | J. Mills          |
| E. | Emergency Services Report.....                         | J. Mills          |
| F. | City Administrator/Recorder/Planning/Staff Report..... | J. Mills          |

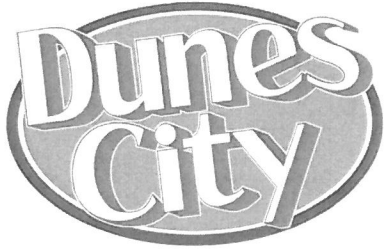
**12. For the Good of the Order**

**13. Adjournment**

*The meeting will adjourn not later than 9:00 pm. If agenda items are not completed, the meeting will continue on the following Wednesday at 6:00 pm.*

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**CITY COUNCIL MEETING MINUTES ~ DRAFT  
OCTOBER 10, 2018 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

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

**1. CALL TO ORDER**

Acting Council President Duke Wells called the Wednesday, October 10, 2018, meeting of the Dunes City Council to order at 6:00 pm.

**2. ROLL CALL**

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

**Present:** Councilor Duke Wells, Councilor Tom Mallen, Councilor Alan Montgomery, and Councilor Robert Orr.

**Absent:** Mayor Robert Forsythe, Council President Sheldon Meyer and Councilor Susan Snow.

**Also Present:** Administrative Assistant Rapunzel Oberholtzer, and two Dunes City residents.

**3. APPROVAL OF THE AGENDA**

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

**4. APPROVAL OF THE CONSENT AGENDA**

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

City Administrator/Recorder pointed out for the record that an amended Bills of the Session was distributed prior to the start of the meeting and included the cost of repairs to Huckleberry and Wright Roads.

**Councilor Orr made a motion to approve the amended Bills of the Session. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

**5. ANNOUNCEMENTS / CORRESPONDENCE**

City Administrator/Recorder Mills read from the list of announcements on the Agenda:

- A. The Planning Commission, acting as the Citizens Advisory Committee, will begin review of the proposed flood ordinance in October.
- B. There will be a Budget Committee meeting on Wednesday, November 14, beginning at 5:00 pm.

City Administrator/Recorder Mills also noted that a letter-to-the-editor in the current edition of *The Siuslaw News* inaccurately stated that Dunes City does not provide fire protection service to its residents. She clarified that Dunes City is a member of the Siuslaw Valley Fire and Rescue District for which it pays a small annual membership fee, and property owners' annual property tax bills include an assessment levied by the District for fire protection. That means that Dunes City does provide fire protection to residents.

City Administrator/Recorder Mills went on to announce that Siuslaw Vision will host Siuslaw Play Day on Saturday, October 13, where fun, free activities will be available for children and adults.

#### **6. CITIZEN INPUT ON ITEMS NOT LISTED ON THE AGENDA**

There was none.

#### **7. NEW BUSINESS**

##### **A. Annual Report on the Citizen Involvement Program**

City Administrator/Recorder Mills pointed out that the written report was included in the Councilors' meeting packets: There was some discussion about the most recent CAC's completion of its assignment to review changes made to the City's Chapter 155, Sections 1,2 and 3. It was noted that this was the first Citizens Advisory Committee to finish the task assigned to it. Councilors thanked all of the residents who participated in the CAC.

*A COPY OF THE COMMITTEE FOR CITIZEN INVOLEMENT REPORT IS ON FILE AT CITY HALL.*

#### **8. EXECUTIVE SESSION**

There was none.

#### **9. OLD BUSINESS**

##### **A. Feeding Animals**

City Administrator/Recorder Mills explained that she spoke with an ODFW representative about whether or not there were any State prohibitions on feeding wild animals and learned that there were none on the books, but ODFW strongly discourages feeding wild

animals of any kind. She also reported that she spoke with an ODOT representative about installing additional deer caution signs in the City and adding “Do Not Feed Deer” signs. She explained that ODOT did not find records of accident reports that would justify ODOT’s cost to add more signs in Dunes City, but would support the City’s installation of such signs at the City’s own expense.

It was agreed to revisit the subject during the November Council meeting.

B. Reavis v. Dunes City v. Montgomery

City Administrator/Recorder Mills referred Councilors to copies of the General Judgment of Dismissal that were included in meeting packets. She explained that the Reavis lawsuit was dismissed by the Court, and that Mr. Montgomery has submitted a request for reimbursement for his legal expenses to the City. She went on to explain that no Council action was required at this time.

C. Half-Court Basketball Court at Byrd Park

City Administrator/Recorder Mills explained that she had spoken with a contractor about installing a half court in the park. The contractor suggested using concrete for the court, which volunteers could help install. With volunteer labor, the cost could run about \$2,500. She also noted that a resident offered to donate a backboard and hoop for the project.

More information will be available at the November Council meeting.

## 10. REPORTS

- A. Mayor’s Report: With Mayor Forsythe’s absence there was no report.
- B. Community Center Report: Acting Council President Wells reported that he had not heard about any issues at the City Hall building.
- C. Water Quality Report: With Council President Meyer’s absence there was no oral report but the Water Quality Committee’s test results were included in the Councilors’ meeting packets and, as of the last test, quality was still good. City Administrator/Recorder Mills reported that water testers are closely monitoring an algal bloom on Siltcoos and testing at several Siltcoos Lake locations.
- D. Public Works Maintenance Supervisor’s Report: City Administrator/Recorder Mills reported that work on Huckleberry Lane went well and everyone involved in the project is looking forward to finding out if the work will keep water from pooling on the road, as planned. City Administrator/Recorder Mills also reported that the City will apply for other small cities grants to make repairs on Alder Drive and Parkway Drive.
- E. Emergency Services Report: City Administrator/Recorder Mills reported that she attended the September WLEOG meeting during which WLEOG members reviewed the proposed

changes to WLEOG Rules of Procedure for the 2018-2019 Fiscal Year and the Agreements between WLEOG and members. The City Council will have an opportunity to approve the documents when a final version is available.

- F. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that, to date, there are no applicants to the CAC that will review proposed changes to City Flood Damage Prevention Code, but the City will continue to recruit. She also reported that letters were being sent to residents asking them to provide the source of their drinking water—residents who have wells are encouraged to determine whether or not they have State-issued identification numbers and they can do so for free online or by filling out a form available at City Hall. In addition, Mrs. Mills reported that cougar sightings in the City continue—residents are advised not to feed deer or other wildlife and to use caution when outside.

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

Acting Council President Wells encouraged everyone to vote in the November 6 election. City Administrator/Recorder Mills reminded everyone that there are three Dunes City measures on the ballot: the ban on marijuana businesses in Dunes City, the change to the City Charter to allow the City to contract with a municipal judge and hold court outside of City Limits, and the \$.005 per \$1,000 of assessed value five-year tax levy.

## **12. ADJOURNMENT**

**Councilor Mallen made a motion to adjourn. Councilor Montgomery seconded the motion. There was no vote.**

Acting Council President Wells adjourned the meeting at 6:24 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 14<sup>th</sup> DAY OF NOVEMBER 2018**

---

Robert Forsythe, Mayor

ATTEST:

---

Jamie Mills, City Administrator/Recorder

**RECEIPTS OF THE SESSION: 10/2/2018 thru 11/06/2018**

Building Rental	\$0.00
Business License	\$680.00
Copy Charges	\$0.00
Donations	\$0.00
Triathlon	\$0.00
Fines	\$500.00
Franchise Fee, Cable TV	\$0.00
Franchise Fee, PUD	\$4,624.28
Franchise Fee, Telephone	\$0.00
Interest	\$0.00
Lien Searches	\$450.00
Permits, Conditional Use	\$600.00
Permits, Boundary Line Adjustment (PUD)	\$0.00
Permits, Electrical	\$820.00
Permits, Excavating & Grading & Driveway	\$854.50
Permits, Manufactured Home Fees	\$0.00
Permits, Mechanical	\$315.00
Permits, Other (Inspections, LUCS, No Brushing, etc.)	\$340.00
Permits, Penalties	\$0.00
Permits, Plan Check Fees	\$1,253.80
Permits, Plumbing	\$840.00
Permits, Right of Way Use	\$0.00
Permits, Structural	\$1,872.00
Permits, Building Surcharge	\$673.72
Permits, State Surcharge	\$467.64
Permits, Vegetation / Tree Removal	\$0.00
PERMITS TOTAL	\$8,036.66
RTMP Tourism Grant	\$0.00
Septic Inspections	\$600.00
Tax, Cigarette	\$280.47
Tax, Liquor (OLCC)	\$2,073.09
Tax, Oregon State Highway Apportionment	\$8,876.48
Tax, Lane County Motel Fund	\$4,464.42
Tax, School Excise	\$2,239.00
Water Rights Application Fees	\$0.00
Water Admin Fees	\$3,000.00
<b>TOTAL</b>	<b>\$35,824.40</b>

**FINANCIAL EFFECT OF  
TAX BALLOT QUESTION LOSS 2018**

	A	B	C	D	E	F
1						
2	<b>FUNDS THE CITY WILL NO LONGER RECEIVE</b>	<b>AMOUNT</b>	(Based on 2017-2018 FY Actuals)			
3						
4	State Gas Tax	\$83,945.31				
5	Cigarette Tax	\$1,496.42				
6	Liquor Tax	\$23,807.18				
7	<b>TOTAL</b>	<b>\$109,248.91</b>				
8						
9	<b>FUNDS THE CITY WILL CONTINUE TO RECEIVE</b>		(Based on 2017-2018 Actuals)			
10						
11	Building Rental	\$125.00				
12	Business License Fees	\$7,395.00				
13	Cable Franchise	\$22,034.01				
14	Events and Fundraisers	\$4,000.00				
15	Garbage License Fees	\$5,000.00				
16	Lien Search Fees	\$2,000.00				
17	PUD Franchise Fees	\$69,154.11				
18	Septic Admin Fees	\$5,300.00				
19	Telephone Franchise	\$2,307.60				
20	Motel Tax	\$17,140.22				
21	RTMP Grant	\$15,780.00	MUST be used for tourism related items only.			
22	<b>TOTAL</b>	<b>\$150,235.94</b>				
23						
24	<b>REGULAR EXPENSES OF THE CITY</b>		(Estimated but based on FY 2017-18 Actuals)			
25						
26	Audit/Financial Review (mandatory)	\$10,000.00				
27	Building Repair & Maintenance	\$4,400.00				
28	Custodial Services	\$2,080.00				
29	Dues	\$1,500.00				
30	Equipment Repair	\$1,500.00				
31	Insurance	\$4,450.00				
32	Meter Readings	\$2,500.00				
33	Copy Machine	\$4,400.00				

**FINANCIAL EFFECT OF  
TAX BALLOT QUESTION LOSS 2018**

	A	B	C	D	E	F
34	Office Supplies & Postage	\$6,100.00				
35	Park Maintenance	\$1,500.00				
36	Newspaper Publishing	\$2,000.00				
37	Street Lighting	\$21,000.00				
38	Street Maintenance	\$54,500.00				
39	Street Signs	\$1,000.00				
40	Telephone	\$3,500.00				
41	Travel	\$600.00				
42	Utilities	\$5,000.00				
43	Video Programming	\$4,680.00				
44	Website	\$650.00				
45	<b>TOTAL</b>	<b>\$131,360.00</b>				
46						
47						
48	<b>EMPLOYEE EXPENSES</b>	(Estimated)				
49						
50	Administrator wages	\$32,565.00				
51	Social Security (6.2%)	\$2,019.03				
52	Medicare (1.45%)	\$472.19				
53	FUTA (.60%)	\$195.39				
54	Oregon Unemployment (4.6%)	\$1,497.99				
55	Oregon Work Comp (.235%)	\$76.53				
56	PERS (26.24%)	\$8,485.06				
57	Total Administrator Costs:	\$45,311.19				
58						
59	Planning Secretary wages	\$13,845.00				
60	Social Security (6.2%)	\$858.39				
61	Medicare (1.45%)	\$200.75				
62	FUTA (.60%)	\$83.07				
63	Oregon Unemployment (4.6%)	\$636.87				
64	Oregon Work Comp (.235%)	\$32.54				
65	PERS (26.24%)	\$3,632.93				
66	Total Planning Secretary Costs:	\$19,289.55				



**FINANCIAL EFFECT OF  
TAX BALLOT QUESTION LOSS 2018**

	A	B	C	D	E	F
67						
68	Part Time Administrative Assisatant wages	\$6,439.25				
69	Social Security (6.2%)	\$399.23				
70	Medicare (1.45%)	\$93.37				
71	FUTA (.60%)	\$38.64				
72	Oregon Unemployment (4.6%)	\$296.21				
73	Oregon Work Comp (.235%)	\$15.13				
74	Total Part Time Admin Asst:	\$7,281.83				
75						
76	<b>TOTAL EMPLOYMENT COSTS:</b>	<b>\$71,882.57</b>				
77						
78	<b>NOTE:</b>					
79	<b>Income and Expenses for Building Codes Fund are not included as they are to be self sufficient.</b>					

# **WEST LANE EMERGENCY OPERATIONS GROUP RULES OF PROCEDURE FOR THE**

*Updated October 2018*

*These rules supersede any older rules of procedure.*

## **1. Authority**

- 1.1. Intergovernmental Agreement: The Intergovernmental Agreement (Agreement) to establish the West Lane Emergency Operations Group (Group) provides that the Group shall adopt Rules of Procedure.

## **2. General Rules**

- 2.1. Meetings to be Public: All meetings of the Group shall be open to the public, except for Executive Sessions, as allowed by State law. All meetings of the Group shall be noticed and subject to the State of Oregon Public Meeting statutes (ORS 192.620).
- 2.2. Quorum: A quorum for any meeting shall consist of a majority of the full voting members, as defined by the Agreement, having delegated representatives and shall be necessary for the transaction of business.
  - 2.2.1. Only one representative from each full member organization shall be designated to vote at Group meetings.
- 2.3. Attendance by Telephone: Attendance at meetings may be by telephone, and telephone attendance by full members shall count towards a quorum.
- 2.4. Minutes: An account of all proceedings (minutes) of the Group shall be kept by the Secretary. The minutes, upon approval, shall constitute the official record of the Group. Minutes are approved by motion of the Group, signature of the Chair and attested by the Secretary. Tape recordings are not the official record; however, shall be kept and stored until the Group authorizes disposal. The approved minutes shall be kept in accordance with the provisions of ORS 192.650 and be subject to the State of Oregon Public Records Statutes and Administrative Policy.

## **3. Time and Place of Meetings**

- 3.1. Regular Meetings: Regular meetings of the Group shall be held at least once per year at 10:00 AM on the third Monday of June. Additional regular meetings may be held on a monthly basis or as needed at 10:00 AM on the third Monday of each month. A change of the annual meeting or other regular meetings may be made by motion duly passed at a regular meeting.
- 3.2. Location: Regular meetings are generally held at Siuslaw Valley Fire & Rescue Station 1, located at 2625 Highway 101, Florence, OR. Regular monthly meetings can rotate between member organization facilities at the discretion of the Group. Meeting location shall be noticed on the meeting agenda.

3.3. Special Meetings: Special meetings may be called by the Chair or by announcement at any regular meeting. The call for a special meeting shall specify the time and place, and shall list the subjects to be considered. No special meeting shall be held until at least twenty- four (24) hours after the call is issued, except in the case of an actual emergency.

3.4. Executive Sessions: Executive Sessions may be held in accordance with the provisions of State law.

#### **4. Officers of the Group and Additional Appointments**

4.1. At the annual meeting in June of each year, there shall be elected a Chairperson, Vice-Chairperson, and Secretary/Treasurer. Each officer so elected shall take office July 1st and serve through June 30th of the following year.

4.1.1. Officers shall be elected by a majority of members present at the first meeting of the Group.

4.1.2. Officers shall be elected by a simple majority of all members of the Group at annual meetings after the first meeting.

4.2. The Group may appoint members to fill additional non-officer roles for the purpose of carrying out the Group's General Purpose as defined by the Agreement.

4.2.1. Additional roles may include, but are not limited to, Public Outreach Coordinator.

4.2.2. These roles do not need to be filled by representatives of full member organizations.

4.2.3. Appointments shall be made by a simple majority of all members of the Group.

4.2.4. The individual(s) filling these roles will coordinate with the Officers of the Group as defined in Section 4.1, and shall report to the Group at the monthly meetings.

#### **5. Budget Law and Fiduciary Agency**

5.1. The Group shall prepare and adopt a basic annual budget in accordance with local government budget law as appropriate. The fiscal year for the Group shall begin July 1 and end June 30 in accordance with Oregon's Local Budget Law (ORS 294).

5.2. The Siuslaw Valley Fire and Rescue District (SVFR) shall serve as the fiduciary agent of the Group.

5.2.1. SVFR shall establish and maintain a fund for the administration of Group revenues and expenses in accordance with Oregon's Local Budget Law (ORS 294).

5.2.1.1. Member's dues and other revenues shall be paid into the fund.

5.2.1.2. Group expenses shall be paid out of the fund.

5.2.1.3. Reoccurring monthly expenses of the Group shall be reviewed and approved the first meeting of the fiscal year (generally July) to provide approval for monthly payments during the current fiscal year.

5.2.1.4. Expenditures not specifically approved by the Group during the budget process shall receive approval by the full members prior to purchase and payment.

5.2.1.5. Any expenditure greater than \$1,500 shall receive Group approval prior to payment, unless previously authorized in Section 5.2.1.3.

## **6. Administrative Support**

6.1. The Siuslaw Valley Fire and Rescue District (SVFR) shall provide administrative support to the Group unless otherwise agreed upon by the full membership through a majority vote.

6.2. Administrative support provided by SVFR shall include, but is not limited to:

6.2.1. Coordinating with the Group Chairperson to develop meeting agendas.

6.2.2. Prepare the meeting minutes for the Group.

6.2.3. Maintain the Group distribution list and distribute meeting materials prior to meetings.

6.2.4. Process account receivables and payables as approved by the Group through a majority of the full membership.

6.3. The SVFR member organization representative will ensure the Group's operational, logistical, and administrative needs are met during times of non-emergency.

## **7. Office for the Group**

7.1. The office for the Group shall be at the Siuslaw Valley Fire & Rescue Station 1 located at 2625 Highway 101, Florence, Oregon. All records of the Group shall be kept at the office.

7.2. The mailing address for the Group shall be

West Lane Emergency Operations Group  
C/O Siuslaw Valley Fire & Rescue  
2652 Highway 101  
Florence, OR 97439

7.3. The telephone number for the office shall be 541-997-3212.

## **8. Operations of the Group During an Emergency**

8.1. During an emergency, the Group shall operate under the structure established by the *West Lane Emergency Operations Group (WLEOG) Emergency Operations Plan* (Plan), which was adopted by the membership in 2015. Subsequent Plan amendments and updates shall be adhered to upon adoption by the membership.

8.2. The Plan:

- 8.2.1. Defines the responsibilities of all partner agencies, private, volunteer and non-governmental organizations (NGOs), and the community;
  - 8.2.2. Defines the authority and role of the Group member agencies during an overwhelming and/or catastrophic incident;
  - 8.2.3. Ensures that Group member agencies are able to mobilize as a unified emergency organization to safeguard the well-being of residents and visitors in the WLEOG Geographic Service Area, as defined by the Agreement; and
  - 8.2.4. Is designed to be flexible, adaptable and scalable. It articulates the roles and responsibilities among local, state and federal emergency officials.
- 8.3. The Group shall work in tandem with the Lane County Emergency Manager to ensure the emergency management needs of Group are met and coincide with the County's Emergency Operation Plan.
- 8.4. The coordinated response by local emergency service providers for a major event shall utilize the National Incident Management System (NIMS), per the Agreement.

**9. Amendment and Adoption of these Rules**

- 9.1. Adoption and Amendment: These rules shall be adopted, amended, or repealed only upon the affirmative vote of at least half of the members of the Group, provided that new rules or proposed amendments have been introduced into the record at a prior meeting.
- 9.2. Suspension of Rules: Any provision of these rules not governed by State Law may be temporarily suspended by a vote of the majority of the Group.



APPLICATION FOR APPOINTIVE OFFICE  
(Please Print or Type)

9/26/2018  
Date

Water Quality  
Position Applying For

Serrano  
Last Name

Andy  
First Name

B  
Middle Initial

4990 Brentwood Dr  
Street Address

Mailing Address

Home Phone

Work Phone

907.231.3404  
Cell Phone

serrano.andy@gmail.com  
Email Address

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

Jacquelyn Serrano  
Name

541-567-6162  
Telephone

Retired  
Your Current Occupation

Office Equipment Sales  
Your Prior Occupation(s)

1 Year  
Are you a resident of Dunes City?

How Long?

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

Hunting, Kayaking, Hiking, music  
Time with my wife

Andy Serrano  
Signature

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



APPLICATION FOR APPOINTIVE OFFICE  
(Please Print or Type)

Date 9/26/18 Position Applying For Water Quality Comm.  
Last Name SCHWARZ First Name BILL Middle Initial L  
Street Address 83511 So. Cove Way Mailing Address Florence, Oregon 97439  
Home Phone 541-997-8635 Work Phone \_\_\_\_\_ Cell Phone 541-901-1794  
Email Address G.II SCHWARZ @ VERIZON.NET

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

Name Valerie Schwarz Telephone 541-997-8635  
Your Current Occupation RETIRED Your Prior Occupation(s) Building Industry  
Are you a resident of Dunes City? YES How Long? 5

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

BS Economics ~~M.B.A.~~

Bill Schwarz  
Signature

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



APPLICATION FOR APPOINTEE OFFICE  
(Please Print or Type)

9/27/18 Water Quality Committee  
Date Position Applying For

Garvey James K  
Last Name First Name Middle Initial

83610 Clear Lake Rd. Florence, OR 97439  
Street Address Mailing Address

541-999-6996 — same  
Home Phone Work Phone Cell Phone

jkeithgarvey@gmail.com  
Email Address

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

Gail M. Nichols 541-999-6907  
Name Telephone

retired Elect. Engr./Fire Fighter/Navy  
Your Current Occupation Your Prior Occupation(s)

yes 10 yrs.  
Are you a resident of Dunes City? How Long?

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

2yrs NDSU, Physics Major/8 yrs Jr College; Biology,  
Electronics, ... wood carver, runner, cycling, kayaking.

James K. Garvey  
Signature

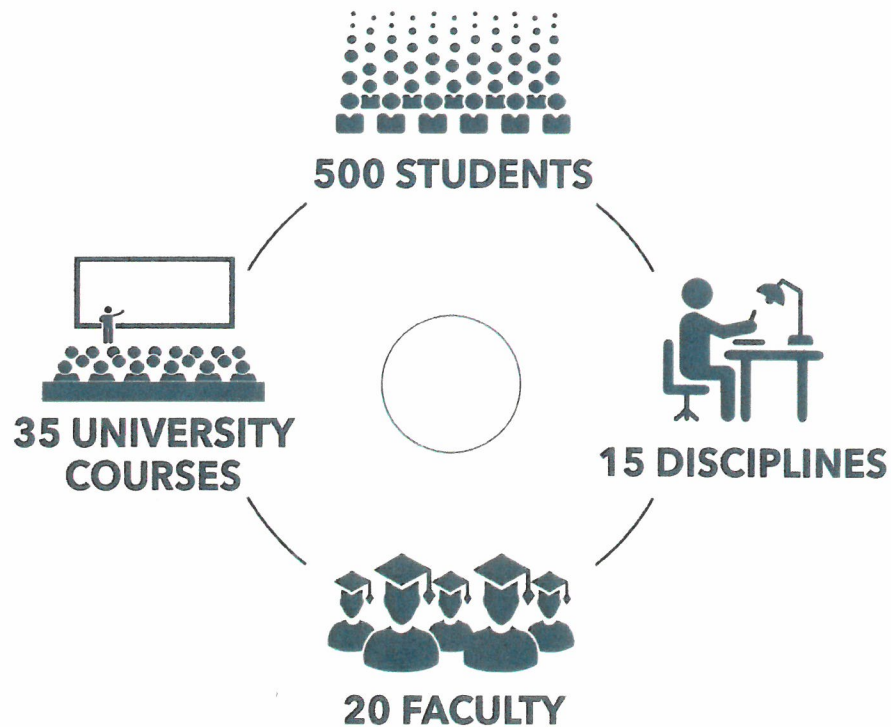
Note: Your resume is required for City Councilor or Planning Commissioner.

Revised 01/14/2016



# What is SCYP?

The Sustainable City Year Program harnesses the innovation and talent of University of Oregon students and faculty to strengthen Oregon communities. SCYP classes explore creative new solutions to challenging problems.



Learning that inspires action, with engagement that is unprecedented and has significant impact for communities and students.

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**SCYP**  
Sustainable City Year Program

**SCI**  
Sustainable Cities Initiative

**UNIVERSITY OF OREGON**



# A Year With SCYP

*More than a report on the shelf. SCYP matches multidisciplinary courses to community-identified projects over an entire academic year.*

## ECONOMIC REVITALIZATION

### Waterfront Redevelopment

Architecture students developed design concepts for opportunity sites and identified barriers to redevelopment in Salem's north downtown. The city completed further studies and included student concepts in the Urban Renewal Area plan.

## IMPROVING TRANSPORTATION

### Family-Friendly Bicycle Systems

Planning students analyzed key infrastructure to increase Redmond's walkability and bikeability. Sixteen of 18 student suggestions are included in Redmond's Transportation System Plan, and various recommendations for improvements are being incorporated into city street projects.

### Trail Planning and Feasibility Study

Landscape Architecture students investigated the feasibility and designed alternatives to close one of the major gaps in the Portland area's 40-Mile Loop Trail.

### Downtown Wayfinding

Geography students analyzed Medford's downtown core and recommended key wayfinding sign locations that are now being placed to direct pedestrians and cyclists.

## ENGAGING COMMUNITIES

### Nonprofit Optimization

Students identified key strategic issues and made recommendations to achieve individual and collective goals for various nonprofit groups in Redmond and Albany.

### Diverse Community Engagement

Students asked minority populations about their outreach challenges and identified mutually beneficial ways for the city and its Latino population to engage. Among other suggestions, the Police Department now regularly contributes to Medford's Spanish language magazine, Caminos.

### Equity & Cultural Mapping

Students analyzed the geography of Albany's underserved populations and identified places where the city could connect communities with increased access to services, transit, and amenities.

### Emergency Preparedness Outreach

Students created a "Rogue Valley Ready" outreach campaign and provided elementary students with backpacks containing child-parent activities on emergency preparedness.





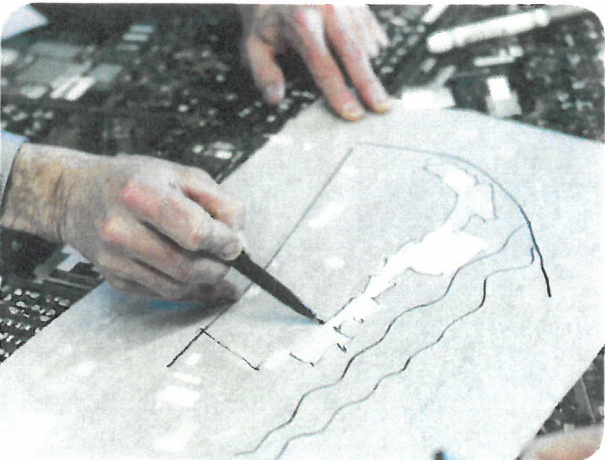
## RESILIENT LOCAL FINANCE

### **Parks & Recreation Department Budget**

Public Administration students worked within the Albany's legal and political constraints to identify opportunities for the Parks & Recreation Department to improve service provision, change the user fee structure, and diversify revenue options; some recommendations will be incorporated into the city's new Parks Master Plan.

### **Industrial Ecology**

Business and Management students recommended strategies for expanding industrial by-product reuse. Since turning waste into energy, the City of Salem is earning a recurring \$800,000 in tipping fees.



### **Efficient Public Lighting**

A multi-disciplinary student collaboration designed energy-efficient streetlights in Salem and created sustainable funding sources to support these lights.

## ENHANCING COMMUNITY SPACES

### **Restoring the Historical St. Francis Hotel**

A variety of disciplines including Business, Architecture and Planning analyzed the market feasibility of restoring the historic structure in Albany, created adaptive reuse designs, and explored neighborhood connections to enhance the surrounding area.

### **Airport Marketing and Master Landscape Plan**

Business students recommended asset improvements for the Redmond Municipal airport while Landscape Architecture students proposed vibrant new master landscape plans.

### **Integrating Riverfront and Creek**

Landscape Architecture students developed design concepts to revitalize and connect Pringle Creek and a 13-acre riverfront site in Salem. The developer is daylighting a portion of the creek based on student recommendations.

### **Public Library Design and Programming**

Architecture students rendered a series of design options for Springfield's new library building, focusing on sustainable technology and maximizing utility for the entire community.

### **Multi-Sports Complex Feasibility Analysis**

The City of Redmond leveraged students' work toward \$50,000 from a local government and non-government working group to further the project based on students' initial analysis.



# What People are Saying About SCYP:

*"The SCYP program has been an excellent collaboration between the City of Redmond and the University of Oregon professors and students. The quality of work contributed and the enthusiasm shown has led to some outstanding results. The money invested by Redmond is what I consider funds well spent, and I would do it again."*

Mayor George Endicott  
City of Redmond

*"What the Sustainable City Year Program did for us is that it fast forwarded many of the action items we had included in our strategic plan."*

Eric Swanson  
City of Medford City Manager

*"It has really been successful – beyond my wildest dreams. I know we will be using this work for years and years to come; we are going to make as many of these projects reality as we can."*

Linda Norris  
Salem City Manager

*"The ideas proposed are beautiful, inspiring, and incredibly forward thinking; they are illustrations of what is possible without compromising what is necessary."*

Mayor Christine Lundberg  
City of Springfield

*"Needs are identified in transportation plans, but resources are not always available to develop and analyze a full range of alternative solutions. The SCY students brought energy, focus, and imagination to several long-standing transportation needs that impact livability, particularly in downtown Salem. Some of the best ideas generated by the students have since been refined and are now in design with construction anticipated in the next couple of years!"*

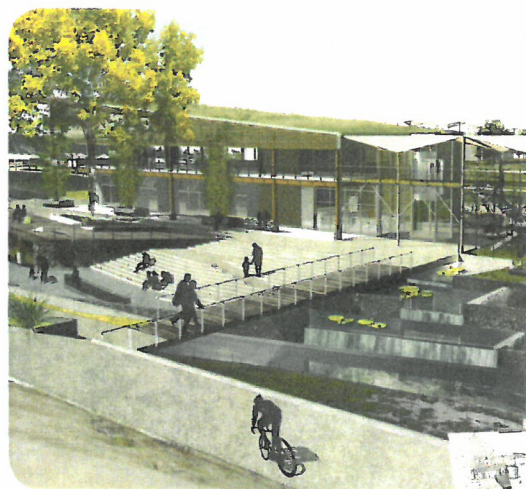
Julie Warncke,  
Transportation Planning Manager,  
City of Salem Public Works Department

*"There are some shrewd, forward-thinking people working for the City of Salem. Here's the deal they brokered with the University of Oregon and Portland State: We'll invest just over \$300,000 to support a one year research and design project that will leave Salem \$12 million richer!"*

"Graduate Students  
Nurture Salem's Sustainable Future,"  
Salem Business Journal

*"Mission accomplished. I was just impressed how they came back with so much. You just saw so many possibilities, your brain was spinning. From a citizen engagement point of view, it's the best thing I've seen in the three years I've been on the City Council."*

Councilor Richard Strathern  
City of Gresham



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**O** UNIVERSITY OF  
OREGON

## **ORDINANCE NO. 178**

### **AN ORDINANCE CONCERNING THE REGULATION OF DOGS AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF DUNES CITY**

The City of Dunes City Finds:

WHEREAS, Dunes City seeks to more effectively address complaints regarding animals within the corporate limits of the city; and

WHEREAS, Dunes City wishes to contract with the Lane County Animal Regulation Authority to administer animal regulations within the corporate limits of the city; and

WHEREAS, Dunes City wishes to process appeals of violations of Dunes City animal regulations issued by the Lane County Animal Regulation Authority through the Dunes City Municipal Court.

#### **THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1.** Title I, GENERAL REGULATIONS, of the Dunes City Code of Ordinances, is amended by adding Chapter 92, which shall read as follows:

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

Dunes City Code Sections 92.01 through 92.36 shall be known as the "Animal Control Code." The purpose of the Animal Control Code is to supercede 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 supercede ORS 609.156, 609.162 and 609.168.

#### **§ 92.02 DEFINITIONS.**

For purposes of sections 92.01 to 92.36 of this chapter, 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 CONTROL OFFICER.** A city employee or person employed by the Lane County Animal Regulation Authority and empowered to enforce provisions of these animal regulations, including issuing citations for violations of sections 92.03 to 92.36.

**ANIMAL REGULATION AUTHORITY.** The Lane County Animal Regulation Authority, a Department of Lane County, Oregon, that has been contractually delegated the authority to enforce and administer the provisions of sections 92.03 to 92.36 of this chapter by the City Council.

**ANIMAL TECHNICIAN.** A person performing duties under the supervision of a veterinarian and

- (1) is an animal technician as defined in ORS 686.350, or
- (2) has received a certificate in animal technology or a comparable certificate from a recognized college or university approved by the Oregon State Veterinary Medical Examining Board or by the American Veterinary Medicine Association.

**AT LARGE.** A dog or other animal inside the corporate limits of the city, off the premises of the owner, and not under complete control by adequate leash. A dog in field training or a dog in an area designated as a dog-off-leash area within a city park, is exempted unless the dog causes personal injury or property damage off the premises of the owner. This exception does not apply to any dog identified as a potentially dangerous dog under section 92.23 to 92.24 of this chapter.

**BARKING DOG.** A dog which persistently barks or howls and thereby unreasonably deprives a person of peace and quiet.

**COMMERCIAL BREEDING KENNEL.** A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

**COMMERCIAL KENNEL.** A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

**CONTINUOUS ANNOYANCE.** Permit any animal to cause annoyance, alarm or disturbance for more than 15 continuous minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

**DANGEROUS ANIMAL.** Any animal, other than a dog, which has the propensity to bite or attack any person without provocation and the capacity to inflict serious harm on that person. It shall be presumed that any animal, other than a dog, which has injured a human being on two occasions without provocation is a dangerous animal.



**DIRECTOR.** The administrative head of the Lane County Animal Regulation Authority, or the administrative head's designee.

**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 necessarily have to result in the breaking of the skin or the creation a wound.

**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, owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of less than 30 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 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, llamas, sheep, horse, goat, swine, fowl, and any fur-bearing animal bred and maintained commercially or otherwise within pens, cages and hutches.

**MUZZLE.** A device constructed of strong, soft material or metal that complies with specifications to be adopted by the director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

**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 or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

**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 92.34 of this chapter.

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

**POTENTIALLY DANGEROUS DOG.** A dog that has been found to engage in behavior specified in section 92.23 of this chapter.

**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 ordinance, 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 feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one 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, 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 veterinarian 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.

#### **§ 92.04 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 the case of pet 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 shall not apply to the treatment of livestock being transported by owner or common carrier, animals involved in rodeos or similar exhibitions 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 4 Violation.

(B) It is no defense to the offense defined in subsection (1) 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 it may impose, the municipal court judge may require a defendant convicted under 92.03 to 92.06 to forfeit any rights of the defendant in the animal subjected to abuse, neglect or abandonment, and to repay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to abuse, neglect or abandonment.

(B) When the municipal court judge orders the defendant's rights in the animal to be forfeited, the judge may further order that those rights be given over to the animal regulation authority for further disposition in accordance with this chapter. 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.**

Any animal control officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of this code, but such officer 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 the animal regulation authority stray animals immediately after the person exercises authority over the animal or must notify the animal regulation authority of the description of the animal and the address where the animal is being kept and retain possession of the animal for three days after the animal regulation authority is so notified.

#### **§ 92. 10 IMPOUNDMENT OF ANIMALS.**

(A) Any peace officer or animal control officer may impound an animal that is in violation of this code.

(B) The animal regulation authority shall impound an animal if the owner of the animal has not posted bail or paid a fine for a violation of this code imposed by the municipal judge. 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 an animal control officer, or to any peace officer. Any person who so impounds a dog must immediately notify the animal regulation authority of such impoundment. No person who has impounded a dog under this subsection shall fail to notify the animal regulation authority immediately.

(D) If an animal control officer or a peace officer has probable cause to believe that a dog is a potentially dangerous dog level 1, 2, 3, or 4, then he/she may impound the dog. If the officer has probable cause to believe that the dog is a potentially dangerous dog level 5, then he/she shall impound the dog. The officer shall hold the dog until a hearing on the classification is held pursuant to section 92.24, or until the dog is to be redeemed or disposed of pursuant to sections 92.13 to 92.14 of this chapter.

(E) If an animal control officer or a 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 any animal is being subjected to treatment in violation of 92.03 to 92.06, 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 and within 72 hours after the impoundment such notice shall be sent by certified mail to the address, if any, 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 an animal control officer or a peace officer upon their demand, so that the animal can be impounded or quarantined as provided for by this chapter.

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

#### **§ 92.12 RESISTING AN ANIMAL CONTROL OFFICER OR PEACE OFFICER.**

(A) "Resists" as used in this section 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 an animal control officer who is enforcing any provision of this chapter.

(C) Resisting an animal control officer or peace officer is a Class 1 Violation.

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

(A) The 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 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 72 hours after impoundment may be sold, adopted or destroyed.

(2) Except as provided in subsection 92.13(A)(3), a licensed dog for which the owner is known which has not been redeemed within 120 hours of notification of the owner by telephone contact or by mailing 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 subsection 92.13(B):

(a) Fails to notify the animal regulation authority within 120 hours of the owner's intent to redeem the dog; or

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

(4) Except when state law mandates a different disposition procedure, all animals other than dogs shall be disposed of as provided in subpart 92.13(A)(1):

(5) Notwithstanding the previous subsections, abandoned or unwanted litters of animals aged two months or less may be destroyed immediately or, in the alternative, adopted or sold to any person. This subsection does not apply to litters impounded following a search of premises as provided in subsection 92.25.

(B) Except as provided in subsection 92.13(A), the animal regulation authority shall notify the owner by telephone or by the mailing of an impoundment notice within 24 hours after impoundment that the animal will be destroyed within 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 the impoundment, daily care and redemption, and the consequences of failure to redeem the animal.

(C) Any animal unclaimed within 24 hours of a court order authorizing the redemption or release shall be destroyed, adopted or sold.

(D) If an order is entered by the municipal judge for an animal to be destroyed, execution of the order may be stayed for up to five years from the date of said order, providing that the dog owner and the City, within ten days of the order, present an agreement for approval to the municipal judge 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 in violation of the safeguards that have been imposed, that it may be immediately impounded by an animal control officer, a peace officer or any other person and destroyed by the animal regulation authority without a further hearing, unless the animal owner requests a hearing in writing to the animal regulation authority within 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 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 municipal judge for an animal to be destroyed, execution of the order shall be stayed for ten days to allow the filing of a notice of appeal or a writ of review. In the event a notice of appeal is filed within ten days, the animal shall not be destroyed until the disposition of the appeal.

(F) Notwithstanding the previous subsections, any animal given to the animal regulation authority by the owner for disposition 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 weeks or more.

(G) Notwithstanding the previous subsections, certain sick or injured animals may be destroyed immediately pursuant to the provisions of section 92.20 of this code.

#### **§ 92.14 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 subsection 92.14(A), a dog that has been classified as potentially dangerous shall not be released until the owner presents to the director sufficient evidence of compliance with the restrictions imposed by section 92.25. The owner shall have ten 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 section 92.24.

(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 animal regulation authority, the purchaser shall pay any required license and rabies vaccination fees.

(E) No impoundment charge shall be made for an animal released after

- (1) The municipal court's determination that no violation occurred.
- (2) A potentially dangerous dog classification is successfully appealed.

(F) No live animal shall be used, sold or given by the animal regulation authority for surgical or medical demonstration or research.

(G) Except as otherwise provided, if after 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 from the animal regulation authority or from any other agency which accepts unwanted or abandoned animals, the owner must have the animal spayed or neutered within six months from the date of sale if the animal is too young to be spayed or neutered immediately. If an animal over six months old is adopted or sold by an agency which accepts unwanted or abandoned animals, the animal shall be spayed or neutered within one month after it is turned over to its new owner. The new owner shall not fail to comply with this subsection.



(I) No person who is the owner of an animal shall fail to reclaim it from the animal regulation authority within the time specified in the notification that the animal is ready to be released.

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

### **(A) *Dog licenses.***

(1) The City authorizes the Lane County Animal Regulation Authority to issue dog licenses for 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 days of moving into the city.

(3) Licenses shall be valid for one, two, or three 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 dog control authority or duly authorized issuer.

(5) Dog owners shall renew the dog license before it becomes delinquent for as long as they own the dog.

(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 same as those issued to Lane County residents unless otherwise determined by 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 owned by a blind person who uses the dog as a guide. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing of an affidavit by the blind



person showing such dog to come within this exemption. Such affidavit shall be filed with the animal regulation authority.

(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 30 days, periodically the city council may waive all or part of the neutered dog license fee required in subsection (2) of this section.

(D) After application upon a form to be provided by the animal regulation authority, a permit may be issued to the licensed 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 days of the time the dog is classified and annually thereafter. The animal regulation authority shall issue or renew a potentially dangerous dog license provided:

(1) The owner presents to the director sufficient evidence of compliance with the restrictions imposed by section 92.25; 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 engaged in the behaviors described in section 92.23, the owner shall notify the animal regulation authority of such classification, registration, or fine at the time the owner licenses the dog. If the director classifies the dog pursuant to section 92.24, the owner shall meet the requirements of subsections (2) and (5) above except that the initial potentially dangerous dog license fee will be as established by the city council for previously classified dogs.

#### **§ 92.16 KENNEL LICENSE.**

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

(B) No kennel license shall be issued under this section to anyone in nonconformity with Chapter 92 of this code.

(C) The following provisions shall govern revocation of licenses:

(1) Three or more violations of sections 92.03 to 92.35 of this chapter within a period of 12 calendar months shall result in a revocation of licenses granted under this section.

(2) Such revocation may occur after a hearing before the city council and after the licensee has been mailed a notice of a time to appear at least five days in advance of the hearing. Such notice shall include a general statement of the reasons for commencing the revocation proceedings.

(3) The decision of the city council shall be final.

#### **§ 92.17 USES OF 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.

#### **§ 92.18 REPORTING OF BITING ANIMALS.**

The owner of an animal susceptible to rabies which bites a human being shall immediately notify the animal regulation authority 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.

#### **§ 92.19 BITING AND RABID ANIMALS - QUARANTINE.**

(A) When the animal regulation authority, a 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 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 State Public Health Laboratory.

#### **§ 92.20 SICK OR INJURED ANIMALS.**

(A) Any sick or injured animal found by a peace officer or animal control 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 director 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 director reasonably believes the animal should be destroyed, the animal may be destroyed immediately. If the director reasonably believes that the animal should not be destroyed and that treatment is necessary, the animal may be delivered by the animal regulation authority 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 72 hours after being delivered to the veterinarian.

(B) Any peace officer or animal control 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 the animal regulation authority and individual veterinarians.

(D) The owner of the animal shall be liable to the veterinarian and to the animal regulation authority for all expenses which are incurred for the care of said animal.

#### **§ 92.21 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.

#### **§ 92.22 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.

#### **§ 92.23 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 subsection 92.23(A)(4) after the owner receives notice of the level 4 behavior classification.

Level 5 behavior is a Class 1 Violation.

(B) Notwithstanding subsection 92.23(A), the director shall have discretion to refrain from classifying a dog as potentially dangerous even if the dog has engaged in the behaviors specified in subsection 92.23(A) if the director 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 92.17 of this code.

(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 92.23(A) shall be reviewed by the municipal court judge after six months for dogs classified as Level 1 or Level 2 and after one 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 municipal court judge, then the judge may enter an order modifying or deleting the classification.

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

(A) The director shall have the authority to determine whether any dog has engaged in the behaviors specified in section 92.23. This determination shall be based upon an investigation that includes observation of the dog's behavior by the animal regulation authority employees or by other witnesses who personally observed the behavior, 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 the behaviors specified in section 92.23.

(B) The director 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 director's decision to the municipal judge within 10 days of the date the notice was received by the owner by certified mail or the owner was personally served.

(C) The municipal court shall hear the appeal from the director'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 92.23 shall be allowed to present testimony.

(D) Once the owner has received notice of the dog's classification as a Level 1 to Level 4 potentially dangerous dog pursuant to subsection 92.24(B), the owner shall comply with the restrictions specified in the notice, within ten days, unless the owner appeals it to the municipal court. If the director's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment.

(E) If the director finds that a dog has engaged in Level 5 behavior, the dog shall be impounded pending completion of all appeals. If the director's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment.

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

(A) In addition to the other requirements of sections 92.01 to 92.34 and restrictions that the municipal court 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 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 subpart 92.25(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 municipal court judge or the hearings official, 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. In addition, the hearings official or municipal court judge has the authority to suspend, for a period of time, 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. In addition, the owner of a dog that has engaged in Level 5 behavior shall have the dog marked with a permanent identifying mark.

(6) In addition to obtaining a regular dog license, the owner shall obtain a potentially dangerous dog license pursuant to sections 92.15(B) and 92.15(E).

(7) The owner of a potentially dangerous dog shall notify the director of the transfer of ownership by sale, gift or otherwise of the potentially dangerous

dog and of 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 or of the municipal judge's order under subpart 92.25(A)(4).

#### **§ 92.26 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 animal control 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 municipal judge 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, animal control officer, or by a person acting in defense of that person's own self or another person.

(D) Violation of this section of the code is a Class 3 Violation.

#### **§ 92.27 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 of the code is a Class 4 Violation.

#### **§ 92.28 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 of the code is a Class 4 Violation.

#### **§ 92.29 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 of the code is a Class 4 Violation.

**§ 92.30 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 of the code is a Class 4 Violation.

**§ 92.31 ANIMAL EUTHANASIA.**

(A) No animal agency may put to death a dog or cat by any means other than an individual 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 in 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 individual injection of a drug administered by the veterinarian or animal technician.

- (C) Violation of this section of the code is a Class 3 Violation.

**§ 92.32 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 of the code is a Class 4 Violation.

**§ 92.33 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 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 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 of the code is a Class 3 Violation.

#### **§ 92.34 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.

#### **§ 92.35 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.

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.

#### **§ 92.36 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 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 12-month period from the date of the first occurrence, the monetary penalty shall be \$500.

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

(C) *Class 3 Violation.* For a Class 4 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 12- month period of time.

(D) *Class 4 Violation* For a Class 4 failure to comply the monetary penalty shall be no less than \$10, nor more than \$150 for a first occurrence. If the responsible person had a prior violation within 12 months from the date of the first occurrence, the fine shall be no less than \$40, nor more than \$150. If the responsible person had two prior occurrences of a Class 1, 2 or 3 Violation within 12 months of the date of the first offense, the monetary penalty shall be \$150.

**Section 2. Severability.** If any phrase, clause, or part of this Ordinance is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

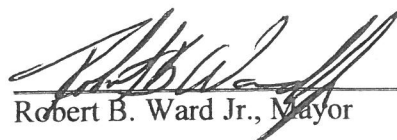
**ADOPTED BY THE DUNES CITY COUNCIL THIS 9th DAY OF JUNE, 2005.**

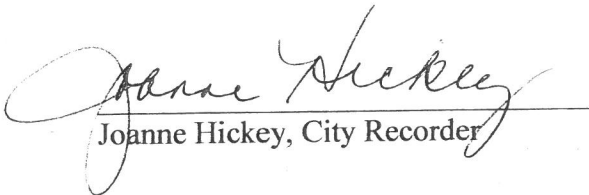
Ayes: 5

Nays: 1

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

  
Robert B. Ward Jr., Mayor

  
Joanne Hickey, City Recorder

Lane Code  
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**Chapter 7****ANIMAL CONTROL****7.005 Animal Services- Definitions.**

For the purposes of LC 7.005 through 7.170 below, the following words and phrases mean:

Animal. Any dog, cat, exotic or dangerous animal, or livestock.

Animal Owner.

(a) Any person who is the licensed owner of an animal, or who has the right of property in an animal, or who, without regard to any ownership interest, keeps an animal, harbors an animal, or who has an animal in said person's care, possession, custody or control for six weeks or more, or who knowingly permits an animal to remain on any premises occupied by said owner. Except for purposes of LC 7.105, 7.110 and 7.115 below, animal owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not less than 30 days animals owned by other persons.

(b) Any person except a veterinarian or commercial kennel operator, who resides where an animal is kept, harbored or cared for, shall be presumed to be the owner of that animal. This presumption may be rebutted by proof that such person is not harboring the animal, that the animal is not in that person's care, possession, custody, or control, or that the person does not knowingly permit the animal to remain on any premises occupied by the person.

Animal Welfare Officer. The person employed by the Animal Services and empowered to enforce provisions of this chapter.

Animal Services Code. LC 7.005 through 7.170.

Continuous Annoyance. Fail to control any animal such that it causes annoyance, alarm or disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

Commercial Breeding Establishment. A place of business for the commercial breeding and/or selling of animals, excluding livestock. The term is not intended to include an animal hospital or noncommercial kennel.

Commercial Dog Kennel. A place of business where dogs are boarded. No more than one breeding pair shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

Director. The administrative head of the Department of Health and Human Services, or his or her designee.

Dog-at-Large. A dog off the premises of the owner and not under the owner's immediate control. Excepted from this definition are exhibition in dog shows, obedience training or trial, or use of the dog under the supervision of a person to hunt, chase or tree predatory animals, or game birds, or protect livestock, or in other related agricultural activities. A dog is not off the premises of its owner if the property of the owner is separated by a road or roads and the dog is on the road which separates said property. Excepted from this definition is a dog that is on private property, which is not the property of the dog owner, with the knowledge and permission of the owner of the property.

Dog License. A license for any dog owned that is over six months of age or has permanent canine teeth, whichever occurs first. The dog must have been vaccinated against rabies by a licensed veterinarian.

Domestic Animal. An animal typically kept as a pet.

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

Lane County Health Administrator. The Director of the Department of Health and Human Services.

Livestock. Includes but is not limited to cattle, sheep, horses, goats, swine, fowl, poultry or any furbearing animal bred and maintained commercially or otherwise within pens, cages and hutches, or domesticated wild animals.

Muzzle. A device constructed of strong, soft material or metal that complies with specifications to be adopted by the Director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Neutered/Spayed. The removal of the ovaries and uterus, ovarian hysterectomy, in female dogs or cats. The removal of the male gonads in male dogs or cats. Any other method of neutering a dog or cat which is certified and performed by a licensed veterinarian.

Noncommercial Dog Kennel. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than one breeding pair shall be used for breeding. The term does not include an animal hospital.

Person. Any natural person, association, partnership, firm or corporation.

Pet Dealer. A person that engages in the occupation of selling live animals other than livestock. This does not include persons who rear animals on their own premises and that have sold, transferred or given away fewer than 20 animals in the previous calendar year. Animal pounds, shelters and humane societies are not considered pet dealers.

Physical Injury. Impairment of physical condition or substantial pain.

Purchaser. A person who purchases an animal from a pet dealer without the intent to resell the animal.

Secure Enclosure. An enclosure, not including the residence, in which an animal is confined such that the animal does not have access to humans or other animals. The enclosure will not be less than eight feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the animal. The top of the enclosure must be covered. A secure enclosure must include a dog house and access to potable water.

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

Service Animal. Any guide dog, signal dog or any other animal individually trained to provide assistance to an individual with a disability. This does not include companion or therapy animals.

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

Watchdog License. License issued by Lane County allowing a business or person to use a watchdog for protection of persons or property. *(Revised by Ordinance No. 19-72, Effective 10.13.72; 16-75, 12.26.75; 2-82, 4.9.82; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-93, 4.16.93; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.010 Animal Services Code Supersedes State Law.**

LC 7.005 through 7.170 shall be known as the "Animal Services Code." The purpose of the Animal Services 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 animals. These Code provisions do not supersede ORS 609.095 or 609.140. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.015 Animal Services Authority Powers and Duties.**

The powers and duties of Lane County Animal Services shall be as follows:

(1) To enforce those provisions of the Animal Services Code, and those provisions of ORS Chapter 609 applicable to Lane County pursuant to LC 7.010 and to discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place for all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food and water.

(3) To collect or provide for the collection of by contractually authorized private vendors, any costs, fees and charges hereinafter provided for the licensing, impounding and keeping of any animal. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.020 Receipts.**

All receipts for fees collected in connection with the Animal Services Code shall be deposited in the Animal Services Fund. However, private vendors under contract with Animal Services to dispense licenses may retain a handling fee of not less than \$1 per license issued. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.025 Violation, Nuisance.**

In the event that any peace officer or animal welfare officer has reasonable grounds to believe that a violation of ORS 609.095 or of this Animal Services Code has been committed, such officer may sign, issue, and serve upon an animal owner an Oregon Uniform Citation and Complaint. The Complaint shall be filed within six months of the date of the alleged violation. Any such violation found is hereby declared to be a public nuisance and may be subject to reasonable restrictions, or the euthanization of the animal in cases of Class A violation behavior pursuant to LC 7.130. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.035 Entry Onto Private Land.**

Any animal welfare officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of the Animal Services Code, but such officer shall not enter into any building or dwelling without legal authorization or the permission of the owner or occupant of the premises. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.040 Care of Stray Dogs.**

(1) All persons must provide notification of or turn over to Animal Services stray dogs within 24 hours after the person exercises control over the dog. The notification must include the description of the dog and the address where the dog is being kept. All persons holding stray dogs must allow Animal Services access to the dog while it is being held and retain possession of the dog for three days after Animal Services is so notified.

(2) A violation of LC 7.040 constitutes a Class B violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.045 Impoundment of Animals.**

(1) Any peace officer or animal welfare officer may impound an animal if reasonable grounds exist to believe a violation, pursuant to LC 7.025, LC 7.120, 7.121, 7.125 or 7.129, has occurred, and Animal Services may hold said animal until the violation hearing is over, any fine is paid, and any reasonable restrictions are either in place or agreed to. Violation of a restriction agreement shall be a Class A violation.

(2) If the fine assessed is not paid or other payment arrangements approved by the Director or his/her designee are not made within five calendar days after the order, the animal may be disposed of as provided for in LC 7.060 below.

(3) Any person whose property has been trespassed upon by any dog in violation of this chapter 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 the dog has been turned over to Animal Services or any peace officer. Any person who so impounds a dog must immediately notify Animal Services of such impoundment and must turn the dog over to a police officer or to Animal Services. Failure to notify Animal Services within 24 hours of having impounded a dog is a Class C violation.

(4) If an animal welfare officer or a peace officer has probable cause to believe that a dog has behaved in violation of either ORS 609.095 or the Animal Services Code, then the officer may impound the dog. If the officer has probable cause to believe that the dog has committed behavior that violates LC 7.130(3)(c) through (e), then the officer shall impound the dog. Animal Services shall hold the dog until a hearing is held, or until the dog is to be disposed of pursuant to LC 7.060 below.

(5) If an animal welfare officer or a 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. Any person who leaves an animal, in danger of dying, in an unoccupied motor vehicle commits a Class A violation. *(Revised by Ordinance No. 3-72, Effective 2-9-72; 12-72, 6.7.72; 19-72, 10.13.72; 23-72, 11.3.72; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.050 Failure to Surrender Animal.**

Any person who fails to surrender an animal to a person identifiable as an animal welfare officer or a peace officer upon their demand, so that the animal can be impounded as provided for by this Animal Services Code, commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.051 Initiating a False Report to an Animal Services Employee.**

(1) A person commits the offense of initiating a false report to an Animal Services employee if a person contacts Animal Services Agency in person, by telephone, in writing, by facsimile or other means and reports a violation of this animal services code that the reporting person knows is false.

(2) Initiating a false report to an Animal Services employee is a Class A violation. *(Revised by Ordinance No. 6-09, Effective 2.5.10)*

#### **7.055 Resisting or Eluding an Animal Welfare Officer or Peace Officer.**

(1) If a person intentionally resists or eludes someone known by him or her to be a peace officer, or an animal welfare officer, who is impounding an animal as provided for by this chapter, that person commits a Class A violation.

(2) "Resists" as used in this section 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. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.060 Impounding Regulations and Disposition of Impounded Animals.**

(1) Animal Services shall keep any animal impounded for a period of time hereinafter specified. A daily record of such animals shall be kept at the place of impoundment and shall be made available to the public. Animal Services shall dispose of such animals in accordance with the following provisions:



(a) An unlicensed animal, or an animal, the owner of which is unknown, which has not been redeemed within 72 hours after impoundment, may be adopted or euthanized.

(b) A licensed animal, or an animal, the owner of which is known, which has not been redeemed within 120 hours of notification of the owner by telephone contact, or by mailing or by posting at the owner's dwelling the impoundment notice, may be adopted or euthanized.

(2) Except as provided in LC 7.060(1) above, Animal Services shall notify the owner by telephone or by the mailing of an impoundment notice within 24 hours after the impoundment that the animal may be euthanized within 120 hours after such notification. The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for redemption of the animal, the fees for the impoundment, daily care and redemption and the consequences of failure to redeem the animal.

(3) Dogs impounded pending a hearing on whether their acts amounted to a violation of LC 7.130, may be euthanized if any of the following occurs:

(a) If the owner of the dog is unknown after 72 hours from the time of impoundment, or

(b) If there has been a hearing in which the court so determines.

(4) If an order is entered by the court for an animal to be euthanized, the Director may request that the execution of the order be stayed, providing that the animal owner and the attorney representing the County present an agreement for approval, signed by both parties and providing for:

(a) Restitution to be paid to the person injured, if applicable, including damages resulting from the injury to or destruction of livestock; and

(b) Reasonable restrictions that will help to ensure the chance that the animal does not engage in such conduct again, which may include but are not limited to requirements that the owner build a run for the animal before it is released, fence his or her 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.

(5) Notwithstanding the previous subsections, any animal given to Animal Services by the owner for disposition may be euthanized immediately or, in the alternative, adopted by any person. The owner shall pay required fees for euthanizing and/or handling the animal(s). For purposes of this section, an owner is a person who has had the animal in his or her care, possession, custody or control for six weeks or more.

(6) Notwithstanding the previous subsections, abandoned or unwanted litters of animals aged two months or less may be euthanized immediately or, in the alternative, adopted by any person. This subsection does not apply to litters impounded following a search of premises.

(7) Notwithstanding the previous subsections, certain sick or injured animals may be euthanized immediately pursuant to the provisions of LC 7.100 below. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 18-79, 1.9.80; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.065 Redemption and Adoption.**

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

(a) Impoundment fee;

(b) Daily care fee;

(c) License and rabies vaccination fees, if required; and

(d) Medical care fees, if required.

(2) Impounded animals may be adopted or euthanized after the applicable holding time.

(3) When an animal is adopted out by Animal Services, the purchaser shall pay any required license and rabies vaccination fees.



(4) No impoundment charge shall be made for an animal released after determination by the court that no violation has occurred.

(5) No live animal shall be provided by Animal Services for surgical or medical demonstration or research.

(6) Except as otherwise provided, if after 72 hours an impounded animal is not redeemed or adopted, Animal Services is authorized and empowered to euthanize the animal.

(7) If a dog or cat is adopted from Animal Services or from any other agency which accepts unwanted or abandoned animals, the owner must have the dog or cat spayed or neutered within four months from the date of adoption if the dog or cat is too young to be spayed or neutered immediately. If a dog or cat over six months old is adopted by an agency which accepts unwanted or abandoned animals, the dog or cat must be spayed or neutered within one month after it is turned over to its new owner. A violation of LC 7.065(7) is a Class A violation.

(8) If a person who is the owner of an animal fails to reclaim it from Animal Services within five days after notification that the animal is ready to be released, then that person commits a Class A violation. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.070 Dog Licenses.**

(1) Every owner of a dog which has a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for the dog. If the dog owner moves into Lane County, the owner must obtain a license within 30 days of moving into the County.

(2) Licenses shall be valid for one, two or three years from the date of issuance or until sale or gift or death of the dog, whichever occurs first.

(3) No license shall be issued until a certification of vaccination for rabies is presented to Animal Services or duly authorized issuer.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee may be charged if the license is renewed after it has become more than 30 days delinquent.

(5) A license tag issued to the dog shall be securely attached and visible on the dog for which it is issued. If a license is lost, the owner shall obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.

(6) A person who violates LC 7.070 commits a Class B violation. *(Revised by Ordinance No. 12-72, Effective 6.2.92; 4-74, 7.1.74; 15-75, 11.12.75; 16-75, 12.26.75; 14.81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.075 License and Other Fees.**

(1) Animal license and identification fees shall be charged in amounts provided by order of the Board of Commissioners. The fees are due and payable upon the issuance of the license or identification tag. 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.

(2) 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 and upon filing of an affidavit by the person showing such dog to come within this exemption. Such affidavit shall be filed with Animal Services.

(3) After application upon a form to be provided by Animal Services, a permit may be issued to a licensed owner to use that dog as a watchdog. A fee for that permit shall be in addition to the individual license fee.

(4) If a dog owner has been fined or his or her dog has been classified or registered in another state, county or city because the dog engaged in the behaviors which would have constituted a violation pursuant to LC 7.025 or 7.130, the owner shall notify Animal Services of such classification, registration or fine at the time the owner licenses the dog. If the Director determines that the dog has committed such behavior, the Director may impound the dog, and may seek an order of the court that reasonable restrictions be placed on the dog, or that the dog be euthanized, upon a finding by the court that the restrictions or euthanization would have been ordered had the behavior occurred in Lane County. A violation of LC 7.075(4) shall be a Class A violation. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 14-81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 5-94, 7.29.94; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.080 Uses of Watchdog.**

Any business or residence using a watchdog must conspicuously post the premises to warn the public of the watchdog. In the case of a business, the dog must 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 must be fenced in a way to prohibit the dog access to any public right-of-way. A violation of LC 7.080 is a Class A violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.085 Kennel License.**

(1) No person shall operate a commercial kennel or commercial breeding establishment, without the appropriate kennel license. Kennel licenses shall be valid for one year from the date of issuance.

(2) A violation of this section shall be a Class A violation.

(3) No kennel license shall be issued under this section to anyone in nonconformity with applicable zoning statutes and ordinances.

(4) The following provisions shall govern revocation of licenses.

(a) Three or more violations of this chapter within a period of 12 calendar months shall result in a revocation of licenses granted under this section.

(b) Such revocation may occur after a hearing before the hearings officer and after the licensee has been mailed a notice of a time to appear at least five days in advance of the hearing. Such notice shall include a general statement of the reasons for commencing the revocation proceedings. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.088 Filing of Rabies Vaccination Certificate, Issuance of Tag.**

(1) Upon the rabies vaccination of any dog, the veterinarian performing the vaccination shall transmit a copy of the vaccination certificate to the Lane County Health Administrator.

(2) The Health Administrator, or the Administrator's designee, shall be responsible for the administration of this section.

(3) A rabies tag fee, and a tag replacement fee, shall be established for those dogs required to be licensed pursuant to LC 7.070 and 7.075, and the fees shall be set forth in Lane Manual. Upon receipt of the fee, a serial-numbered rabies tag, identifying its expiration date, will be issued to the owner of the dog.

(4) Information received from a veterinarian identifying any owner, address or phone number, or rabies tag serial number, shall be considered a part of the veterinarian's

customer list, and will not be disclosed except to the following, who shall keep it confidential as permitted by law:

- (a) Oregon Department of Human Services;
- (b) Lane County Animal Services;
- (c) A physician, or any emergency medical personnel, treating a patient who has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;
- (d) A veterinarian treating an animal that has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;
- (e) Federal, state, and local law enforcement and prosecutorial agencies investigating potential rabies transmission.

(5) Violation of this provision by a veterinarian shall result in a Class C violation for the first offense; and a Class B violation for additional violations of this provision. *(Revised by Ordinance No. 19-04, Effective 1.15.05; 6-09, 2.5.10)*

#### **7.090 Reporting of Biting Animals.**

(1) The owner of a domesticated animal which bites a human shall immediately notify Animal Services of such bite, the time and circumstances of such bite, and the name and address of the person bitten, if known.

(2) Any person who is bitten by a domesticated animal shall forthwith notify Animal Services of such bite giving a description of the animal, the time and circumstances of the bite and the name and address of the owner, if known.

(3) When a doctor, veterinarian, hospital employee, or other person has information that a person has been bitten by a domesticated animal, such person shall notify forthwith Animal Services.

(4) A violation of LC 7.090 is a Class A violation. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.095 Biting Rabid Animals - Quarantine.**

(1) When either Animal Services, the Department of Health and Human Services or the Department of Public Safety of Lane County has 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 owner shall thereupon be required to quarantine his or her animal for 10 days. The biting of any person by the animal shall constitute grounds for suspecting their animal to be so infected. The delivery of the notice to a member of the owner's family 18 years 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.

(2) Any animal required to be quarantined shall be confined as follows.

(a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person as indicated in the Notice of Quarantine requirements; or

(b) At the owner's expense at a veterinary hospital, Animal Service's kennel or a kennel approved by either the Department of Health and Human Services or Animal Services.

(3) Any animal that has been bitten by an animal proved to be rabid shall be euthanized.

(4) If an animal exhibits symptoms of rabies while it is under quarantine, the Director of the Department of Health and Human Services may order in writing that it be euthanized and its head be submitted as directed to the Oregon State Public Health Laboratory. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.100 Sick or Injured Animals.**

(1) Any sick or injured animal found by a peace officer or animal welfare 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 Director or his designee shall determine whether the animal is so severely injured or incurably crippled that the humane thing to do would be to euthanize the animal. If the Director or his designee reasonably believes the animal should be euthanized, the animal may be euthanized immediately. If the Director or his designee reasonably believes that the animal should not be euthanized and that treatment is necessary, the animal may be delivered by Animal Services 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 euthanized if not claimed by its owner within 72 hours after being delivered to the veterinarian.

(2) Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be determined by separate contracts between Lane County and individual veterinarians.

(3) The owner of the animal shall be liable to the veterinarian and to the Animal Services for all expenses which are incurred for the care of said animal. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.105 Animal Abandonment.**

(1) 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. It is no defense to the offense in LC 7.105(1) that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(2) A person who commits the offense of animal abandonment commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

**7.110 Dogs at Large Prohibited.**

(1) No dog owner shall permit a dog to be at large.

(2) A dog owner, whose dog runs at large, commits a Class C violation if the dog has been spayed/neutered or a Class B violation if the dog is fertile.

(3) A dog owner is deemed to be negligent per se for the actions of a dog at large when the dog causes injury to a person or property. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.115 Continuous Annoyance.**

An animal owner who fails to control any animal that causes annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property commits a Class C violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.120 Animal Abuse.**

(1) Class A Violation. A person who, except as otherwise authorized by law,

(a) Causes serious physical injury to an animal; or

(b) Cruelly causes the death of an animal, commits a Class A violation.

(2) Class B Violation. A person who, except as otherwise authorized by law, causes physical injury to an animal commits a Class B violation.

(3) Any practice of good animal husbandry is not a violation of LC 7.120. *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.121 Possession of Fighting Animals.**

- (1) A person commits the offense of possession of fighting animal(s) if the person has in his/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.
- (2) Animal pounds, shelters, and humane societies are exempt from the provisions of this section.
- (3) Animal Services shall immediately seize any animal reasonably believed to be an animal either used or intended or reasonable believed to be intended for use in animal fighting. Said animal shall be detained pending adjudication of the violation.
- (4) Procuring animals for fight training purposes, including smaller "bait animals" such as cats, rabbits or small dogs is prohibited.
- (5) Possession of a fighting or bait animal is a Class A violation. *(Revised by Ordinance No. 6-09, Effective 2.5.10)*

**7.122 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 A violation. *(Revised by Ordinance No. 8-06, Effective 10.27.06)*

**7.125 Animal Neglect.**

- (1) 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:
  - (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
  - (b) 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.
  - (c) 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.
  - (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
  - (e) Pets 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 suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.
- (2) Animal Neglect (Class B violation). A person who fails to provide minimum care for an animal in such person's custody or control commits a Class B violation.
- (3) Animal Neglect (Class A violation). A person who fails to provide minimum care for an animal in such person's custody or control and such failure results in serious physical injury or death to the animal, commits a Class A violation. *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00)*

**7.129 Possession of a Stolen Animal.**

- (1) A person commits the offense of possession of a stolen animal if a person has in his/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 that the animal be reported as stolen to a police agency.

(3) Possession of a stolen animal is a Class A violation. *(Revised by Ordinance No. 6-09, Effective 2.5.10)*

### **7.130 Dangerous Behavior.**

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 property are identified and subjected to reasonable restrictions.

(1) Class C violation dangerous 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.

(2) Class B violation dangerous 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.

(3) Class A violation dangerous behavior is established if:

(a) a dog, while at large, bites or causes physical injury to any domestic animal which is not livestock;

(b) a dog bites any person;

(c) a dog kills any domestic animal, unless the domestic animal is trespassing upon the property where the dog is authorized to be;

(d) a dog, while at large, bites or causes physical injury or causes the death of livestock; or

(e) a dog, whether or not confined, causes the serious injury or death of any person.

(4) (a) Notwithstanding LC 7.130(1) through (3) above, the Director shall have discretionary authority to refrain from prosecuting a violation, even if the dog has engaged in the behaviors specified in LC 7.130(1) through (3) above, if the Director determines that the behavior was a result of the victim abusing or tormenting the dog or other extenuating circumstances.

(b) No violation shall be found under LC 7.130(1) through (3) if:

(i) 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 LC 7.080 above, or

(ii) the behavior in question was directed against a trespasser that has illegally entered any residence. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 6-09, 2.5.10)*

### **7.135 Dangerous Behavior Restrictions.**

In addition to the other requirements of this Animal Services Code, the owner of a dog that has committed dangerous behavior as described in LC 7.130 may be ordered by the court to comply with the following additional restrictions in addition to any other restrictions the court deems reasonable under the circumstances:

(1) If the dog has engaged in Class C violation dangerous behavior pursuant to LC 7.130(1), the dog shall be restricted by a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property 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 Class B violation dangerous behavior pursuant to LC 7.130(2), or, if the dog has engaged in Class A violation dangerous behavior pursuant



to LC 7.130(3)(a) the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash off the owner's property or inside the home of the owner and shall also post warning signs, purchased from Lane County, on the property where the dog is kept.

(3) If the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(b), the owner shall meet the requirements of LC 7.135(2) and (3) above 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 Class A violation dangerous behavior pursuant to LC 7.130(3)(c) through (e) may be euthanized. Any dog that has been found to have engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(e) shall be euthanized. In addition, the hearings officer has the authority to suspend, for a period of time, the dog owner's right to be the owner of any dog in Lane County, including dogs currently owned by that person.

(5) To ensure correct identification, all dogs that have engaged in dangerous behavior described in LC 7.130 shall be marked with a permanent identifying mark. The dog will also be required to wear an identifying collar and ID tag.

(6) In addition to the normal licensing fees established in LC 7.075 above, there shall be an additional licensing and supervision fee for dogs that have been determined to have engaged in dangerous behavior pursuant to LC 7.130 in amounts provided by order of the Board of Commissioners. This additional fee shall first be payable at the time that determination is made, and renewals are due upon the anniversary of the determination.

(7) A person who fails to comply with the provisions of LC 7.135 commits a Class A violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00; 14-04, 7.15.04; 6-09, 2.5.10)*

#### **7.140 Dog Waste Matter.**

(1) It shall be unlawful for a dog owner to allow the dog, except for service dogs, to deposit solid waste matter on any 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.

(2) A violation of LC 7.140 is a Class C violation. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

#### **7.150 Right to Kill a Dog Chasing, Killing or Injuring Livestock.**

Any dog which chases, kills or injures livestock stock not belonging to its owner, while off the premises owned or under the control of its owner, may be killed immediately by any person. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 1-00, 4.12.00)*

#### **7.151 Right to Kill a Dog Killing or Injury Humans or Domestic Animals.**

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. *(Revised by Ordinance No. 6-09, Effective 2.5.10)*

#### **7.155 Reporting of Gun Shot Wound.**

(1) The owner of an animal that has received a gun shot wound shall immediately notify Animal Services of such gun shot wound, and if known, the time and circumstances of the shooting and the name and address of the person who shot an animal.

(2) Any person who shoots an animal shall immediately notify Animal Services 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.

(3) 7.155(1) and (2) do not apply in the case of an animal being shot by the animal's owner.

(4) When a veterinarian or other person has information that an animal has been shot, such person shall immediately notify Animal Services.

(5) A violation of LC 7.155 is a Class A violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*

**7.160 Selling, Trading, Bartering or Giving Away Animals in Certain Locations Prohibited.**

(1) No person shall sell, trade, barter or give or offer to give away any animal to another person in a County park, or property owned by Lane County except for the Lane County Fairgrounds.

(2) A violation of LC 7.160 is a Class B violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

**7.161 Illegal Sale or Gifting of Unhealthy Animals.**

No person shall knowingly sell, trade, barter or give away any animal to another person if said animal has any serious communicable disease, without fully disclosing such disease. A violation of LC 7.161 is a Class B violation. *(Revised by Ordinance No. 6-09, Effective 2.5.10)*

**7.164 Pet Dealer Requirement.**

(1) Every pet dealer shall maintain for a period of one year and present to Animal Services upon request:

(a) The breeder's and broker's name, address, or if not known, the source of the animal. If the dealer is licensed by the Department of Agriculture, the person's name, address and federal dealer number.

(b) The seller's name, address and other identifying information.

(c) The date of birth of the animal, unless unknown.

(d) Medical records of the animal including a record of immunizations and worming treatments administered, if any, as of the time of sale and the date the dealer received the animal.

(e) Price paid for the animal.

(2) A violation of LC 7.164 is a Class C violation. *(Revised by Ordinance 6-09, Effective 2.5.10)*

**7.170 Dogs in Season (Estrus).**

(1) 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.

(2) Violation of LC 7.170 is a Class B violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00; 6-09, 2.5.10)*





# Adoption of Flood Insurance Rate Maps by Participating Communities

FEMA 495 / September 2012



FEMA



# Adoption of Flood Insurance Rate Maps by Participating Communities

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Over 21,000 communities participate in the Program.

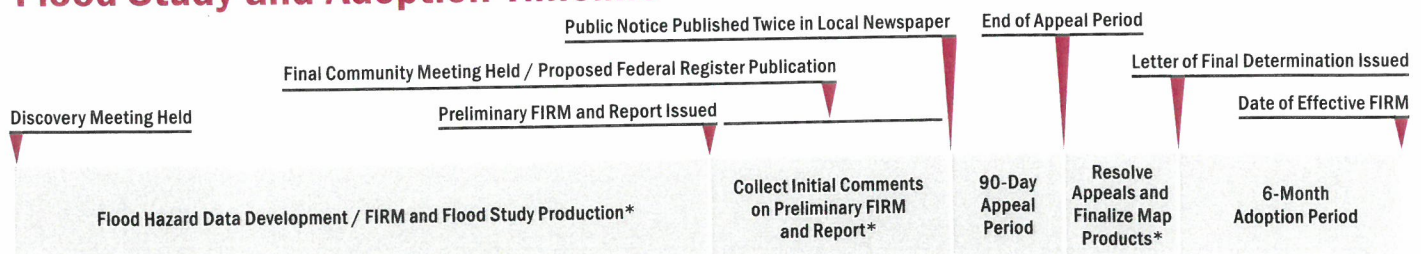
This brochure addresses several questions about community adoption of the Flood Insurance Rate Map (FIRM). As a participating community in the NFIP, your community is responsible for making sure that its floodplain management regulations meet or exceed the minimum requirements of the NFIP. By law, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) cannot offer flood insurance in communities that do not have regulations that meet or exceed these minimum requirements. These regulations can be found in **Title 44 of the Code of Federal Regulations (44 CFR) Section 60.3**. You can also find them in model ordinances developed by most States and by FEMA Regional Offices.

The basis of your community's floodplain management regulations is the flood hazard data provided to the community by FEMA. FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the NFIP. Flood hazard data is provided to communities in the form of a FIRM and Flood Insurance Study (FIS) report, typically prepared in a countywide format. Please be aware that while an FIS report accompanies most FIRMs, it is not created for all flood studies.

The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in floodprone areas. The FIRM and FIS report provide States and communities with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations. States and communities can also use the information for emergency management.

Each time FEMA provides your community with additional flood hazard data, your community must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time. Your floodplain management regulations must also meet any additional State requirements and be adopted through a process that complies with any procedural requirements established in your State for the adoption of ordinances or regulations.

## Flood Study and Adoption Timeline



\*The timeframe for completing these activities may vary.

## What is the process for developing new flood hazard data or revising existing data?

FEMA coordinates closely with communities to develop new flood risk data or revise existing data during the flood study process. This coordination may lead to new or updated flood hazard mapping (i.e., the update of a community's FIRM and FIS report), flood risk assessment projects, and/or mitigation planning assistance. In general, the process includes the following activities:

- Under FEMA's Risk MAP program, FEMA engages in a Discovery process with communities and other local stakeholders to obtain a comprehensive picture of flooding issues, flood risk, and the potential for the performance of additional flood mitigation activities, including the adoption of more restrictive floodplain management criteria by communities. Stakeholders may include, but are not limited to, local officials, citizen associations, representatives of levee boards, conservation districts, Tribal Nations, and economic development organizations. Information obtained during the Discovery meeting helps determine whether a flood risk assessment project, including new or updated flood hazard data and a corresponding FIRM and FIS report, is needed.
- Once it is determined that the creation or revision of flood hazard data, including an update to the FIRM and FIS report, is needed, FEMA works with communities and other Discovery stakeholders to determine the parameters of the project, including flooding sources and the type and extent (number of stream or coastline miles) of the study.
- The mapping process typically includes development of Base Flood Elevations (BFEs) and floodways for the project area. In addition, the mapping process includes activities such as obtaining the digital base map, developing the FIRM flood hazard database and, when appropriate, incorporating or revalidating previously issued Letters of Map Change, or LOMCs. LOMCs, which include Letters of Map Revision (LOMRs), Letters of Map Revision Based on Fill and Letters of Map Amendment, serve to officially revise the effective FIRM and FIS report without requiring the physical revision and republication of these materials.
- When the study is completed, FEMA provides the community with a preliminary FIRM and FIS report for review. In addition, FEMA may hold public meetings—often referred to as the Final Meeting and Open House—to explain and obtain comments on the preliminary FIRM and FIS report.
- FEMA provides a 90-day appeal period for all new or modified flood hazard information shown on a FIRM, including additions or modifications of any BFEs, base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following flood zones: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V. The regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Before the appeal period is initiated, FEMA will publish a notice of proposed flood hazard determinations in the Federal Register and notify the community's Chief Executive Officer of the determination. FEMA will then publish information about the flood hazard determinations at least twice in a local newspaper. The appeal period provides the community and owners or lessees of property in the community an opportunity to submit scientific or technical information if they believe the flood hazard determinations are scientifically or technically incorrect.
- Following the 90-day appeal period, FEMA resolves all appeals and finalizes all changes to the FIRM and FIS report.
- FEMA then issues a Letter of Final Determination (LFD), which establishes the final flood hazard data and the effective date of the new FIRM and FIS report for the community. The LFD also initiates the six-month adoption period during which the community must adopt or amend its floodplain management regulations to reference the new FIRM and FIS report.
- The FIRM and FIS report become effective at the end of the six-month period. The effective date is also the date when flood insurance rates will be based on the new flood data for new construction built after this date. The effective FIRM will be used by Federally insured or regulated lenders to determine if flood insurance is required as a condition of a loan.

FEMA has entered into agreements with nearly 250 communities, States, and regional agencies to be active partners in FEMA's flood hazard mapping program under the Cooperating Technical Partners (CTP) Program. These agencies are participating with FEMA in developing and updating FIRMs. (See the box on the inside of the back cover page for a brief description of the CTP program.)





FIRM

## What must an NFIP participating community do when FEMA provides new or revised flood hazard data?

Each time FEMA provides a community with new or revised flood hazard data, the community must either adopt new floodplain management regulations, or amend its existing regulations to reference the new FIRM and FIS report. In some cases, communities may have to adopt additional floodplain management requirements if a new type of flood hazard data is provided, such as a new flood zone (e.g., going from a Zone A without BFEs to a Zone AE with BFEs or going from a Zone AE to a Zone VE – the coastal high hazard area), or with the addition of a regulatory floodway designation.

The following guide is to help you determine whether changes need to be made in your community's floodplain management regulations when a new or revised FIRM and FIS report are provided:

- If the community's floodplain management regulations are compliant with the NFIP requirements when the LFD is issued, the community needs to amend only the map reference section of their floodplain management regulations to identify the new FIRM and FIS report.
- If the community has a legally valid automatic adoption clause established in the map reference section of the regulations and the community's regulations are otherwise compliant with the NFIP requirements, then the floodplain management

regulations do not need to be amended. Automatic adoption clauses adopt all future revisions to the FIRM without further action by the community. However, keep in mind that the FIRM and FIS report update process outlined above still applies for communities with automatic adoption clauses. Automatic adoption clauses are not permitted in many States.

- If the community is provided a new type of flood hazard data, the community will need to either adopt new regulations or amend existing regulations to include the appropriate NFIP requirements, in addition to referencing the new FIRM and FIS report.

The LFD indicates the sections of the NFIP floodplain management requirements at 44 CFR Section 60.3 that a community must adopt based on the type of flood hazard data provided to the community.

You can contact the FEMA Regional Office or your State NFIP Coordinating Agency for assistance on the specific requirements your community will need to adopt. (See "For Assistance" on the back cover page for contact information.)

If your community has adopted higher standards than the minimum requirements of the NFIP, your community may qualify for a reduction in flood insurance premiums for your citizens under the Community Rating System (CRS). (See the box on the inside of the back cover for a brief description of the CRS.)





Janesville, Wisconsin, 2008

### **When must a community adopt the new or revised flood hazard data?**

Your community must amend its existing floodplain management regulations or adopt new regulations before the effective date of the FIRM and FIS report, which is identified in the LFD. The LFD initiates the six-month adoption period.

Communities are encouraged to adopt the appropriate floodplain management regulations as soon as possible after the LFD is issued. The adopted regulations must be submitted to FEMA or the State and be approved by FEMA before the effective date of the FIRM and FIS report.

FEMA will send two letters notifying the community that it must have approved floodplain management regulations in place before the effective date of the FIRM. The first letter is a reminder letter and is sent to the community 90 days before the effective date. The second letter is sent to the community 30 days before the effective date of the FIRM. This letter is FEMA's final notification that the community will be suspended from the NFIP if it does not adopt the FIRM before the effective date. Notice of the suspension is also published in the *Federal Register*.

If the community adopts or amends its floodplain management regulations prior to the effective date of the FIRM and FIS report and the FEMA Regional Office approves the community's regulations, the suspension will not go into effect and the community will remain eligible for participation in the NFIP.

### **What happens if a community does not adopt the appropriate floodplain management regulations during the six-month adoption period?**

If a community does not adopt new floodplain management regulations or amend its existing regulations before the effective date of the FIRM and FIS report, the community will be suspended from the NFIP.

The following sanctions apply if a community is suspended from the NFIP:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to





Elevated home on pile foundation



Elevated home on crawl space foundation

make conventional loans for insurable buildings in flood hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

If a community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. If development takes place in your community during suspension that does not meet the minimum NFIP requirements, your community will be asked to take actions to reduce the increased flood hazard prior to reinstatement.

## Digital Flood Hazard Information Resources

In accordance with the Flood Insurance Reform Act of 2004, FEMA has implemented a policy that allows the use of digital data for official NFIP purposes. All FEMA's flood mapping products are now prepared digitally, and a number of different digital options are available to view the flood hazard information shown on community FIRMs. All digital flood hazard resources referenced below can be accessed through FEMA's Map Service Center (MSC) at <http://msc.fema.gov>.

- Once effective, copies of the FIRM panels in digital format will be provided to your community and will also be available through the MSC. Note that Letters of Map Change (LOMCs) are also available through the MSC in .pdf format.
- FIRMettes show a desired section of a FIRM panel specified by a user, plus map scale, and other legend information from the FIRM. FIRMettes can be created online through the MSC, and printed or saved in .pdf format at no cost.
- The FIRM database is designed for use with specialized Geographic Information System (GIS) software. Users are able to integrate local data sets with the FEMA flood hazard data in the FIRM database to assist with floodplain management or mitigation planning measures. The FIRM

database is provided to your community once the FIRM becomes effective and is also available for download through the MSC.

- The National Flood Hazard Layer (NFHL) contains all effective digital flood hazard information from FIRM databases and LOMRs produced by FEMA in one integrated nationwide dataset. It also contains point locations of other LOMCs, such as Letters of Map Revision Based on Fill and Letters of Map Amendment. The NFHL is available for viewing through FEMA's online map viewer which can be accessed through the MSC. The NFHL can also be viewed as a layer in Google Earth or accessed via Web Map Service (WMS), a web-based method of viewing map information using commercial GIS software, such as ESRI's ArcGIS. Additional information on these services is available through the MSC.

**Note for communities that do not yet have digitally produced FIRMs:** scanned digital versions of the paper FIRM panels are available through the MSC. However, since the FIRMs were not produced digitally, a FIRM database will not be available and the flood hazard information shown on the FIRMs will not be included in the NFHL.



## Becoming a Cooperating Technical Partner



FEMA established the Cooperating Technical Partner (CTP) program to increase local involvement in, and

ownership of, the flood study process and the flood hazard data developed as part of that process. This program enables communities, and regional and State agencies that have the interest, capabilities, and resources to be active partners in FEMA's flood hazard mapping program.

One of the major objectives of the CTP program is to recognize States, regional agencies, and communities with proactive floodplain management programs that include identifying the flood risk and getting the information incorporated into official FEMA flood hazard data. The CTP Program maintains national standards consistent with the NFIP Regulations. The following are some of the benefits of being a CTP.

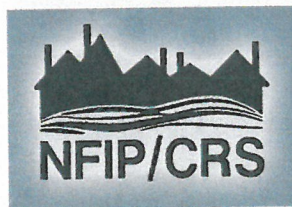
- CTPs are given an opportunity to develop more detailed maps by making local geospatial data a part of the FIRM

- CTPs receive support such as access to existing data, access to custom-made FEMA tools, technical assistance, and national recognition
- CTPs receive mentoring support, online examples of "best practices," and free training
- Communities that participate in the Community Rating System (CRS) that also become CTPs or are in an area covered by a regional or State CTP may be eligible to receive CRS credit for CTP activities

Another major objective and benefit of the CTP Program is the ability to leverage available funding and local data to make the most of limited resources. Communities, States, and regional agencies can take advantage of these benefits by entering into an agreement with FEMA that formalizes the types of mapping activities and support the CTP will provide. Nearly 250 communities, States, and regional agencies are currently participating in the CTP Program.

To learn more about becoming a CTP, visit [www.fema.gov/plan/prevent/fhm/ctp\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/ctp_main.shtm) or contact your FEMA regional office (see back page for contact information)

## Becoming an NFIP Community Rating System Community



The NFIP Community Rating System (CRS) recognizes community floodplain management practices that exceed the minimum requirements of the NFIP. CRS recognizes these efforts by

reducing the cost of flood insurance premiums from 5 percent to 45 percent for flood insurance policies in communities that participate in the CRS.

Many communities may already be doing activities that would earn credit under the CRS which would reduce flood insurance premiums for their citizens. Here are a few examples:

- Adopting and enforcing more protective building standards that result in safer new construction
- Informing the public about flood hazards and flood insurance and how to reduce flood damage
- Preserving open space in the floodplain

To receive CRS credit, a community must submit a CRS application to FEMA which identifies floodplain management practices being implemented by the community. FEMA can help with the application. After FEMA reviews and verifies the application, the flood insurance premium discounts will go into effect. The amount of flood insurance policy premium discount depends on the number of CRS-credited activities a community performs.

Community participation in the CRS has many benefits:

- Discounts for flood insurance premiums from 5 percent to 45 percent
- Enhanced public safety
- Reduced flood damage
- Increased environmental protection
- Informed community residents supporting improved flood protection measures that will make communities safer from flood risks.

To learn more about CRS, visit [www.fema.gov/business/nfip/crs.shtm](http://www.fema.gov/business/nfip/crs.shtm) or call 317-848-2898



## For Assistance

If your community needs assistance in adopting the FIRM, you may contact the FEMA Regional Offices listed below. You may also contact your State Coordinating Agency for the NFIP.

Additional information is available at [www.fema.gov/rm-main/regional-contact-information](http://www.fema.gov/rm-main/regional-contact-information).

### REGION I

CT, ME, MA, NH, RI, VT  
99 High Street, 6th Floor  
Boston, MA 02110  
617-956-7506

### REGION II

NJ, NY, PR, VI  
26 Federal Plaza, Suite 1337  
New York, NY 10278-0002  
212-680-3600

### REGION III

DE, DC, MD, PA, VA, WV  
615 Chestnut Street  
1 Independence Mall, 6th Floor  
Philadelphia, PA 19106-4404  
215-931-5500

### REGION IV

AL, FL, GA, KY, MS, NC, SC, TN  
3003 Chamblee-Tucker Road  
Atlanta, GA 30341  
770-220-5200

### REGION V

IL, IN, MI, MN, OH, WI  
536 South Clark Street, 6th Floor  
Chicago, IL 60605  
312-408-5500

### REGION VI

AR, LA, NM, OK, TX  
Federal Regional Center  
800 North Loop 288  
Denton, TX 76209-3698  
940-898-5399

### REGION VII

IA, KS, MO, NE  
9221 Ward Parkway, Suite 300  
Kansas City, MO 64114-3372  
816-283-7061

### REGION VIII

CO, MT, ND, SD, UT, WY  
Denver Federal Center, Building 710, Box 25267  
Denver, CO 80225-0267  
303-235-4800

### REGION IX

AZ, CA, HI, NV, American Samoa, Guam,  
Marshall Islands and Northern Mariana Islands  
1111 Broadway, Suite 1200  
Oakland, CA 94607  
510-627-7100

### REGION X

AK, ID, OR, WA  
Federal Regional Center  
130 228th Street SW  
Bothell, WA 98021-8627  
425-487-4600



## Dunes City Recorder

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**From:** SCHUMACHER Orin C <Orin.SCHUMACHER@co.lane.or.us>  
**Sent:** Tuesday, October 09, 2018 6:30 AM  
**To:** Dunes City Recorder  
**Cc:** HURLEY Daniel M  
**Subject:** Deer Signs

Jamie;

It has been quite the season this year with deer and car accidents across the County. We ran some numbers on our end to see if Clear Lake and Canary had an increased number of accidents when compared to some of our other roads, in the end its numbers were on the lower end. This may sound crazy, but in all honesty we have many roads with much higher number of accidents involving deer, especially this season. I don't have plans to place "deer" signs at this time in the two roads you have requested, it just does not warrant them based on the information and data we have. I did ask our traffic engineer to review the policies around placing deer signs on County roads, his response is below;

"Yes we do have standards that we follow when it comes to deer warning signs. Within Lane county deer are abundant and deer signs could be installed at multiple locations on almost every road in the county and this would not be practical. Warning signs can be effective tools if used sparingly and only to warn motorists of uncommon hazards that are not apparent to drivers.

To satisfy the warrant for a Deer sign, the area must be evaluated for high deer activity (i.e., well used trails, water source, fruit orchard/trees, etc.) and be an unexpected or not readily apparent location. Sight distance evaluation can be used to determine if a location would meet the criteria. Typically, a long straight road, with adequate sight distance and reaction time would not warrant a deer sign. "

If Dunes City wants to pursue some custom signs, such as the one you mentioned "Treat deer dear" you could look into having those made. We would not be able to place them, or maintain them with the use of County road fund dollars, but we could talk further about permitting them in one or two locations at the expense of Dunes City.

Thanks for looking into these options, sorry we are not able to accommodate the request at this time. Best wishes.

Orin C. Schumacher  
Road Maintenance Division Manager  
Lane County Public Works  
541-682-6993/ [Orin.schumacher@co.lane.or.us](mailto:Orin.schumacher@co.lane.or.us)

*\$30 - \$50 per sign.*

# WATER QUALITY REPORT

## Dunes City Recorder

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**From:** Cude Curtis G <CURTIS.G.CUDE@dhsosha.state.or.us>  
**Sent:** Monday, November 05, 2018 8:08 AM  
**To:** MIKALONIS Jackie \* GOV; DOUTHIT Susan M \* WRD  
**Cc:** BORISENKO Aaron; Goldfarb Gabriela; Hillwig Rebecca; recorder@dunescityor.com  
**Subject:** RE: Blue Green Algae Bloom

Good morning and thanks for the offer, Jackie. We plan to work with Water Resources Department to get a better idea of lakes and streams with private domestic water intakes. This can help us prepare for outreach to communities, like those surrounding Siltcoos Lake, facing similar drinking water issues. Not sure that we will need Regional Solutions assistance, but it's comforting to know that it might be available.

Best regards,  
Curtis Cude

**From:** MIKALONIS Jackie \* GOV <Jackie.MIKALONIS@oregon.gov>  
**Sent:** Thursday, November 1, 2018 3:11 PM  
**To:** Cude Curtis G <CURTIS.G.CUDE@dhsosha.state.or.us>; DOUTHIT Susan M \* WRD <Susan.M.Douthit@oregon.gov>  
**Cc:** BORISENKO Aaron <Aaron.N.BORISENKO@state.or.us>; Goldfarb Gabriela <GABRIELA.G.GOLDFARB@dhsosha.state.or.us>; Hillwig Rebecca <Rebecca.Hillwig@dhsosha.state.or.us>; recorder@dunescityor.com  
**Subject:** RE: Blue Green Algae Bloom

Hello Curtis,

Thank you for the information. Is there anything Regional Solutions can do to be helpful in this situation?

Best regards,

*Jackie Mikalonis*

**Office of Governor Kate Brown**  
Regional Solutions Coordinator – South Valley/Mid Coast  
1715 Franklin Blvd. Eugene, OR 97403

Phone: 503.881.6871 e-mail: [jackie.mikalonis@oregon.gov](mailto:jackie.mikalonis@oregon.gov) [www.regionalsolutions.oregon.gov](http://www.regionalsolutions.oregon.gov)

**From:** Cude Curtis G [<mailto:curtis.g.cude@state.or.us>]  
**Sent:** Thursday, November 01, 2018 11:58 AM  
**To:** MIKALONIS Jackie \* GOV <[Jackie.MIKALONIS@oregon.gov](mailto:Jackie.MIKALONIS@oregon.gov)>; DOUTHIT Susan M \* WRD <[Susan.M.Douthit@oregon.gov](mailto:Susan.M.Douthit@oregon.gov)>  
**Cc:** BORISENKO Aaron <[Aaron.N.BORISENKO@state.or.us](mailto:Aaron.N.BORISENKO@state.or.us)>; GOLDFARB GABRIELA G <[gabriela.g.goldfarb@state.or.us](mailto:gabriela.g.goldfarb@state.or.us)>; HILLWIG Rebecca <[rebecca.hillwig@state.or.us](mailto:rebecca.hillwig@state.or.us)>; [recorder@dunescityor.com](mailto:recorder@dunescityor.com)  
**Subject:** Fw: Blue Green Algae Bloom

Hello Jackie and Susan,

We at Oregon Health Authority (OHA) are fortunate to have a local partner in Jamie Mills and Dunes City who is doing everything she can to ensure community residents have information they need to protect their health. Jamie was extremely helpful to OHA as we worked through the logistics of efficiently and effectively informing the local community regarding the public health concerns associated with the level of cyanotoxin found in the raw water at Siltcoos Lake. This illustrates how state and local governments can work closely and effectively on issues that may impact local communities and the health of its citizens.

In addition to what Jamie mentioned before, OHA would like to provide additional information that may be of help to you going forward.

- OHA Drinking Water Services (DWS) regulates public water systems. The program does not regulate private drinking water intakes or in-home treatment systems.
  - Drinking water samples are collected by public drinking systems. They collect samples from the facility's raw water intake as well as the finish (treated) water, if data warrants. Often the public water system will send the samples out to a certified lab for analysis.
  - Testing data is sent to DWS, who oversees any additional sampling or treatment that may be required (if toxins are found in the finish water over OHA drinking water levels).
- 
- OHA's Recreational Harmful Algae Bloom Surveillance Program (HABS) provides information about known cyanobacteria (harmful algae) blooms and the cyanotoxins they may produce in Oregon's recreational waters.
  - Samples are collected by designated management agencies (DMAs) and in some cases by the ODEQ. It is important to note that for some waterbodies there is a complex mixture of public and private interests and determining responsibility to sample is challenging. Sample analysis is expensive, and few agencies have dedicated resources to use for these activities. Only a handful of DMAs sample blooms; most send samples to independent labs for analysis.
  - Testing data is sent to HABS, who issues or lifts recreational public health advisories as needed.

South Coast Water District (SCWD) samples their raw water intake in Siltcoos Lake and sends the samples to ODEQ for analysis. DEQ and OHA discussed results that showed that while the finish water had no detectable toxins, the cyanotoxin in the raw water was above advisory values for vulnerable people. As Jamie mentioned, this population is defined as children 5 and under, the elderly, pregnant or nursing women, and immune compromised individuals. Although the SCWD finish (treated) water is safe, and therefore no drinking water advisory issued, the detection of toxin at the facilities raw water intake was concerning for two reasons:

- There are private intakes pulling drinking water from the lake, and
- In-home treatment systems may not be able to reduce or eliminate the toxin present. The only way to know is to have the tap water tested, which can be expensive.

Because these systems are not regulated there is no registry of contact information; communicating these concerns to all affected residents is challenging. To maximize the number of people reached, OHA sent a flyer to SCWD management and to Jamie to place in buildings and on bulletin boards where they knew people might see them. The flyer was used to advise vulnerable people on private intakes not to drink their tap water until the levels fell below concern. *See attached flyer for detailed language.* As a follow-up, OHA issued a press release that was placed on our news and advisories webpage and sent through GovDelivery and Flash News to all media outlets across the state. This includes newsprint, T.V., and radio outlets. In addition to OHA's outreach, Jamie made calls, sent emails, notified resort managers and was given permission to issue a local press release. In talking with affected people in the community, much of the information that reached people who were not directly contacted came through word of mouth from those who saw or read something about the issue.

The good news is, that with cooling temperatures we should begin to see a decline in the blooms on the lake. Until the blooms are gone, SCWD will continue to sample at their intake and provide that data to OHA. OHA will continue to keep Jamie and others informed of the situation and will provide whatever support we can to keep people involved in and aware of the situation.

Please do not hesitate to contact our office with any questions about this matter, or any of the information provided in this email.

Curtis Cude  
Surveillance Program Manager  
OREGON HEALTH AUTHORITY  
Public Health Division  
Environmental Public Health  
[curtis.g.cude@state.or.us](mailto:curtis.g.cude@state.or.us)  
971-673-0975  
<http://www.oregon.gov/OHA>

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**From:** Dunes City Recorder <[recorder@dunescityor.com](mailto:recorder@dunescityor.com)>  
**Sent:** Monday, October 29, 2018 4:34 PM  
**To:** 'MIKALONIS Jackie \* GOV' <[Jackie.MIKALONIS@oregon.gov](mailto:Jackie.MIKALONIS@oregon.gov)>; 'DOUTHIT Susan M \* WRD' <[Susan.M.Douthit@oregon.gov](mailto:Susan.M.Douthit@oregon.gov)>  
**Cc:** Hillwig Rebecca <[Rebecca.Hillwig@dhsosha.state.or.us](mailto:Rebecca.Hillwig@dhsosha.state.or.us)>  
**Subject:** Blue Green Algae Bloom

Hi Jackie and Susan,

I wanted to make sure you were aware that Siltcoos Lake is experiencing a blue green algae bloom this year. The event was found by the State Office of Public Health, Oregon Department of Human Services while testing the raw water at South Coast Water District's intake and shows levels that may cause risk to vulnerable populations (children under 5, the elderly, pregnant women, those with immune deficiency disorders). Rebecca Hillwig has been on top of everything and doing a fabulous job, but they only go so far as the drinking water systems and not individuals who may pull water from the lake (I have identified about 50 Dunes City residents right now, but I haven't looked at people who draw from the Siltcoos River yet) and, to my knowledge, no one is contacting the people who draw from the lake that are outside Dunes City's limits. Dunes City has issued a press release that was delivered on the radio, and we sent one to the local newspaper, but I haven't seen it run yet. I know that Rebecca was working on one as well. I haven't seen that one printed either. Dunes City has posted warnings at the post office and in the public bulletin in front of City Hall. We have also notified those Dunes City residents whom we have identified as drawing from the lake. I also called all of the resorts located around the lake to let them know as well.

I wanted to keep you in the loop on this. Like I said, I think Rebecca is doing a great job, but I am concerned that no one is testing anywhere else and photos show, clearly, other places having blooms as well – including the river.

Jamie Mills

City Recorder/Administrator

City of Dunes City

(541) 997-3338 Fax (541) 997-5751

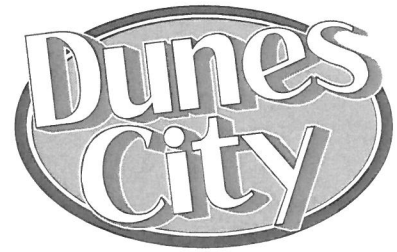
PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the State Retention Schedule and may be made available to the public.

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this

message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and expunge this message. Thank you.

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

November 14, 2018 ~ Prepared by Jamie Mills



I attended the West Lane Emergency Operations Group meeting held on Monday, October 15th at the Siuslaw Valley Fire and Rescue Station #1 in Florence. The Agenda and packet materials are included in this report.

The members of the WLEOG Board reviewed and adopted the proposed changes to WLEOG Rules of Procedure for the 2018-2019 Fiscal Year and for the Agreements between WLEOG and the member entities. The finalized version of the documents were presented to the City Council for approval on tonight's agenda. The WLEOG Board also adopted a Mission Statement.

Each of the member entities that were present at the meeting gave updates on the work of their organization toward emergency preparation. The Annual Expo will be held March 30<sup>th</sup>, 2019. There will be a communications test the last week of April, 2019. The State Office of Emergency Management is pushing for seismic retrofit of homes and encourages all communities to do the same. Linda Cook has taken a position with Lane County Public Works and will continue to cover the Lane County Emergency Manager position until someone else is hired for the Emergency Manager job. I reported the finding of a blue green algae bloom on the Kiechle Arm of Siltcoos that affects vulnerable populations only. The Boy Scout Camp reported they were testing the water daily and are not affected by a bloom in any way.

The next WLEOG meeting will be held at the Fire Station in Florence on Monday, November 19th at 10:00 a.m.

## WEST LANE EMERGENCY OPERATIONS GROUP

### Siuslaw Valley Fire and Rescue

**2625 Hwy 101**  
**Florence OR 97439**

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October 15, 2018

#### AGENDA

10:00 AM

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#### Members

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

#### Associate Members

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

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#### Call to order

#### Roll Call/Establishment of Quorum

**Approval of Minutes:** Of the Regular WLEOG meeting of September 17, 2018

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

Chair's Report

Bank Account Signers (Discuss and Approve)

IGA

Rules of Procedure

CERT Coordinator Report

**Financial Statements** Profit and Loss Budget vs. Actual, Year to date (2018-2019) Bank account register.

**Other Business/Round Table Next Meeting:** Monday November 19, 2018 Location TBD

**WEST LANE EMERGENCY OPERATIONS GROUP**  
**MINUTES September 17, 2018**

**MEMBERS PRESENT:**

Siuslaw Valley Fire & Rescue: Jim Dickerson  
WLA: Matt House  
CTCLUSI: Not Present  
Dunes City: arrived after roll call Jamie Mills  
City of Florence: arrived after roll call Megan Messmer  
Peace Health: Pat Kirby  
Mapleton Fire: Department: Not Present  
Port of Siuslaw: Not Present

**ASSOCIATE MEMBERS:**

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

**CALL TO ORDER**

The meeting was called to order by Matt House 10:04 a.m.

**APPROVAL OF MINUTES:** Jim Dickerson made a motion and Matt House seconded the motion to approve the minutes from August 20, 2018 Meeting, Motion was then approved unanimously.

**Agenda Items:**

**Chairs Report:**

- Messmer went over the agreement with the group. Pat Kirby suggested that the mission statement and overall goals be added to the agreement. Also suggested that education to the community be one of our main goals.

**CERT:**

- Frank Nulty reports the emergency preparedness kits were in high demand at the expo this year. he is working on a possible fund raiser for the Boys and Girls Club.

**Other Business:**

- Coastguard still would like to be trained to use Narcan.
- Greentrees emergency response Training Program GERT/CERT Frank Nulty will update the group on this training.
- Bob Pine informed the group that in Oct. there will be an Emergency Conference Training with presentations done by ODOT and FEMA, Bob will find out more info and pass it on to the group.
- Camp Baker thanked the group for their participation in getting the scouts across HWY 101 safely this summer.
- Frank Nulty will be the representative for the Oct. 8<sup>th</sup>-11<sup>th</sup> Eagle Scout Project.

- Pat Kirby informed the group that 11 Hospital will participate in a Meeting in Gold Beach put on by the State Nugaomi. This meeting will take place to help these hospitals be prepared for water and fuel supplies in the event of an emergency. Pacific Pride/Carson need to be our community's priority.
- Matt House with WLAD reports that they continue to be provide Public Ed to include stop the bleed and CPR classes. WLAD has moved Medic 1 to SVFR to be more accessible. all 18 life support kits are put together and 1 kit has been dispersed. The WLAD call volume is up, the ambulance district ran 120 calls in August.
- Matt House will reach out to Jenna at the paper to help coordinate the planning of next year's preparedness expo in order to be more prepared and get the word out, educating the public needs to be a priority.
- Day wireless is still working on the Tsunami Sirens.

#### **FINANCIAL REPORT**

Current balance is \$41,472.99 Bills paid since 8/25/2018 were \$656.32 to; Coast Broadcasting \$488.00; Central Lincoln \$30.31; West Coast Media \$100.00; VIASAT INC. \$59.98; Oregon Government Ethics Commission 38.01; 5.0% of the Budget has been expended YTD excluding Contingency.

**Future Agenda Business:** Approve and sign agreement.

#### **ADJOURNMENT**

**The meeting was adjourned by Megan Messmer @ 10:55 a.m.**

The next scheduled WLEOG Meeting will be October 15, 2018 at 10:00 a.m. at Siuslaw Valley Fire and Rescue.

Mary Dimon  
Administrative Assistant  
Recording Secretary



2:34 PM  
10/09/18  
Cash Basis

**W.L.E.O.G.**  
**Profit & Loss Budget vs. Actual**  
**July 2018 through June 2019**

	<u>Jul '18 - Jun 19</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
4000 · Member Contributions				
4001 · WLAD	5,487.26	5,487.26	0.00	100.0%
4002 · Siuslaw Valley Fire	5,487.26	5,487.26	0.00	100.0%
4003 · City of Florence	5,487.26	5,487.26	0.00	100.0%
4004 · Tribal Police	2,743.63	2,743.63	0.00	100.0%
4005 · Port of Siuslaw	1,371.82	1,371.82	0.00	100.0%
4006 · Dunes City	1,371.82	1,371.82	0.00	100.0%
4007 · Mapleton Fire Department	441.42	441.42	0.00	100.0%
4008 · Peace Harbor Hospital	5,487.26	5,487.26	0.00	100.0%
<b>Total 4000 · Member Contributions</b>	<b>27,877.73</b>	<b>27,877.73</b>	<b>0.00</b>	<b>100.0%</b>
4600 · Interest Income	8.09	0.00	8.09	100.0%
<b>Total Income</b>	<b>27,885.82</b>	<b>27,877.73</b>	<b>8.09</b>	<b>100.0%</b>
<b>Expense</b>				
5000 · Materials & Services				
5005 · Advertising	2,380.00	8,500.00	-6,120.00	28.0%
5006 · Neighborhood Training Pr...	0.00	1,500.00	-1,500.00	0.0%
5009 · Dues and Fees	38.01	200.00	-161.99	19.0%
5010 · Siren Maintenance Agreem...	0.00	2,150.00	-2,150.00	0.0%
5011 · Satellite Phones	0.00	1,500.00	-1,500.00	0.0%
5012 · Radios	546.24	1,200.00	-653.76	45.5%
5014 · Miscellaneous Supplies	91.07	500.00	-408.93	18.2%
5015 · Education/Prof. Dev.	0.00	3,000.00	-3,000.00	0.0%
5017 · Internet/Website Service	479.94	2,300.00	-1,820.06	20.9%
5019 · Special Districts Dues/Ins	135.00	2,500.00	-2,365.00	5.4%
5024 · CERT Recognition Event	0.00	200.00	-200.00	0.0%
5025 · Community Events	0.00	200.00	-200.00	0.0%
5026 · CERT Program Coordinator	0.00	2,000.00	-2,000.00	0.0%
5027 · Siren Battery Replacement...	0.00	1,000.00	-1,000.00	0.0%
<b>Total 5000 · Materials &amp; Services</b>	<b>3,670.26</b>	<b>26,750.00</b>	<b>-23,079.74</b>	<b>13.7%</b>
6900 · Contingency	0.00	1,127.73	-1,127.73	0.0%
<b>Total Expense</b>	<b>3,670.26</b>	<b>27,877.73</b>	<b>-24,207.47</b>	<b>13.2%</b>
<b>Net Income</b>	<b>24,215.56</b>	<b>0.00</b>	<b>24,215.56</b>	<b>100.0%</b>

3:02 PM

10/09/18

Accrual Basis

**W.L.E.O.G.**  
**Profit & Loss**  
**September 17 through October 15, 2018**

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	<u>Sep 17 - Oct 15, 18</u>
<b>Income</b>	
4600 · Interest Income	3.33
<b>Total Income</b>	<u>3.33</u>
<b>Expense</b>	
5000 · Materials & Services	
5005 · Advertising	1,404.00
5012 · Radios	546.24
5014 · Miscellaneous Supplies	30.38
5017 · Internet/Website Service	100.00
5019 · Special Districts Dues/Ins	135.00
<b>Total 5000 · Materials &amp; Services</b>	<u>2,215.62</u>
<b>Total Expense</b>	<u>2,215.62</u>
<b>Net Income</b>	<u><u>-2,212.29</u></u>

## W.L.E.O.G.

10/9/2018 3:04 PM

Register: Oregon Pacific Bank

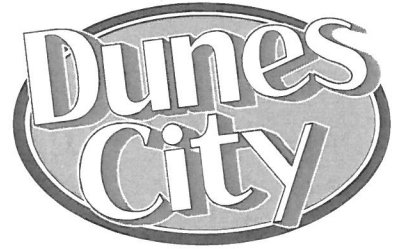
From 09/17/2018 through 10/09/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
09/17/2018		Peace Harbor Hospital	11000 · Accounts Rece...			X	5,487.26	46,900.27
09/18/2018	1447	Siuslaw News	20000 · Accounts Paya...	June, July, & ...	1,116.00	X		45,784.27
09/30/2018			4600 · Interest Income	Interest		X	3.33	45,787.60
10/05/2018	1448	Central Lincoln	20000 · Accounts Paya...	Acct.# 305763...	30.38			45,757.22
10/05/2018	1449	Coast Broadcasting	20000 · Accounts Paya...	816-00127-000...	288.00			45,469.22
10/05/2018	1450	Day Wireless Systems	20000 · Accounts Paya...	Inv.# 606133 B...	546.24			44,922.98
10/05/2018	1451	Special Districts Insu...	20000 · Accounts Paya...	2019 SDAO M...	135.00			44,787.98
10/05/2018	1452	Westcoast Media Gro...	20000 · Accounts Paya...	Monthly websit...	100.00			44,687.98

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

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November 14, 2018 ~ Prepared by Jamie Mills

There were 12 building permits issued in October: 2 structural, 5 electrical, 3 mechanical, and 2 plumbing, including one new building start. Also issued were two driveway permits and one grading permit.

The Planning Commission, acting as the Citizens Advisory Committee due to lack of volunteers from the public, met on Thursday, October 25<sup>th</sup>, where it began review of Chapter 153 (FEMA flood insurance provisions).

The State formally adopted the City's Water Conservation Management Plan this month. The annual Water Use Report was submitted to the State on time for the first time in years.

There is a blue green algae bloom on Siltcoos Lake. Levels of the bacteria are significant to warn vulnerable populations from ingesting water from the lake.

Although election results won't be certified until November 26<sup>th</sup>, a majority of the voters approved the ban of marijuana businesses. Voters also voted down the request to amend the Charter so our Codes could be enforced easier, and further voted down the request for a ½ cent per thousand in property valuation 5 year tax which.

The City has not received its telephone franchise fees this year from Qwest. Qwest was purchased by Century Link and later sold to Verizon, so our attorneys are tracking down who is the responsible party at this point. In the meantime, I also asked the attorneys, if it is not Century Link that has the franchise agreement, to pursue a franchise agreement with Century Link.

The City is required to report a bridge and roadway condition report to the State by February 1, 2019. It appears the only roadways for which the City must report on condition are owned by Lane County. I have submitted an inquiry to ODOT for clarification as to who must do the evaluation of those roadways since they are in the city limits but owned by the County.

We have had a complaint and threat of lawsuit issued against the City by a property owner for failing to fix a drainage problem that adversely affects his property on Leavitt Loop. He claims he has been asking for the fix for over 40 years. The first letter I have found is actually dated 1995, but 23 years is still a long time. Richard Palmer is doing an investigation and meeting with the property owner to determine what needs to be done.

Respectfully submitted,  
Jamie Mills, City Administrator/Recorder

# Incoming Mail Log October 2018

DATE	HOW DELIVERED	FROM WHO	WHAT IT IS	WHO IT GOES TO
10/1/2018	Mail	County Trans & Recycling	Invoice 99899141	AMD
10/1/2018	Mail	Central Lincoln PUD	Invoice	AMD
10/1/2018	Mail	US Bank	Invoice	AMD
10/1/2018	Mail	Central Lincoln PUD	Invoice	AMD
10/1/2018	Fax	Cascade Title	City Lien Search 82720 Maple St	AMD
10/1/2018	Email	Charter	Notice of Rate Increase	Administrator
10/1/2018	Email	Northwest Code Professionals	Invoice	Administrator
10/2/2018	Mail	James and Linda Jaggard	Use of Water Right Agreement	AMD
10/3/2018	Mail	Michael Hall	Water Meter Reading	Recorder
10/3/2018	Mail	Dennis Olson	Water Meter Reading	Recorder
10/3/2018	Mail	Linda Shumate	Water Right Agreement	Recorder
10/3/2018	Mail	Sabry Mason	Response to letter regarding wter source	Recorder
10/3/2018	Mail	MCI	Invoice	Recorder
10/3/2018	Mail	Florence Coastal Hardware TruValue	Invoice	Recorder
10/3/2018	Mail	Home Comfort	Address Change	Admin/Permit Tech
10/4/2018		Lane Council of Governments	Agenda 10/10	Recorder
10/8/2018	Mail	Oregon Pacific Bank	Checking acct 1225061 Bank Statement	AMD
10/8/2018	Mail	Oregon Pacific Bank	Checking acct 1102938 Bank Statement	AMD
10/8/2018	Mail	Pest Tech	Service Invoice	AMD
10/8/2018	Mail	Douglas & Jo Owen	Water Meter Reading	AMD
10/8/2018	Fax	Cascade Title	City Lien Search 83672 Kiechle Arm Rd	AMD
10/9/2018	Mail	Ray Wells	Certified Payroll Statement for Huckleberry Project	Recorder
10/9/2018	Mail	Umpqua Bank	Bank Statement	Recorder
10/10/2018	Mail	Wally's Septic	Prepayment Ledger, Inspection Reports	AMD
10/11/2018	Mail	Mary Hoak	Regarding letter sent from D.C. about Water Source	Recorder
10/16/2018	Mail	Wells Fargo Financial Leasing	Invoice	Recorder
10/16/2018	Mail	Americas	Revision to Propane Tank Lease does not apply	Recorder
10/16/2018	Mail	Oregon State University	Training Opportunity	Recorder
10/16/2018	Mail	HP Planet Partners	Recycling Materials requested	Recorder
10/16/2018	Mail	Siuslaw Watershed Council	Upcoming Events Postcard	AMD
10/16/2018	Mail	Daniel R. Ch'en	Letter re septic	Recorder
10/16/2018	Mail	CIS	Info on Work Comp Program	AMD
10/16/2018	Mail	Siuslaw News	Newspaper	Recorder
10/16/2018	Mail	Buehler Family/Jan Hardin	Waterway Structure Registration	AMD
10/22/2018	Mail	Ray Wells	Invoice #99-9722	Recorder
10/22/2018	Mail	CIS	Statement	AMD
10/22/2018	Mail	Andrew James Sturgill	Use of Water Right Agreement	AMD
10/22/2018	Mail	Wally's Septic	Prepayment Ledger, Inspection Reports	AMD
10/22/2018	Email	CwM-H2O	Invoice	AMD
10/23/2018	Mail	Spectrum	Invoice	Recorder
10/23/2018	Mail	US Bank	Rate Change	Recorder
10/23/2018	Fed Ex	Spectrum	Spectrum joining with Smart Cities	Council Members
10/24/2018	Mail	Dept of Assessment & Taxation	Value Notice	Recorder
10/24/2018	Mail	Dept of Assessment & Taxation	Value Notice	Recorder
10/24/2018	Mail	Dept of Assessment & Taxation	Value Notice - Invoice	Recorder
10/24/2018	Mail	Preferred Long Distance - AVALTELCO	License Tax Reporting Form	Recorder
10/25/2018	Mail	Domain Listings	Annual Domain Name Renewal Invoice	AMD
10/25/2018	Mail	Knife River	Invoice	AMD
10/25/2018	Mail	Wally's Septic	Prepayment Ledger, Inspection Reports	AMD
10/25/2018	Mail	Spectrum	Smart Cities benefits letter and info	AMD
10/29/2018	Mail	Water Resources Department	final order approving Water Mgmt & Conservation Plan	AMD
10/29/2018	Mail	Century Link	Invoice	AMD
10/29/2018	Mail	PUD	Invoice	AMD
10/29/2018	Mail	PUD	Invoice	AMD
10/29/2018	Mail	Oregon Dept of Consumer & Business Services	details regarding Workers Compensation 2019	AMD
10/29/2018	Mail	Intuit Payroll	Invoice	AMD
10/29/2018	email	Charlie Johnson	Invoice for tree on Maple	Recorder

# Dunes City Hall

## November 2018

November 2018							December 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 28	29	30	31	Nov 1	2	3
				Prepare Council Packets	closed	
4	5	6	7	8	9	10
	1:00pm Radio Check	Election Day 9:00am Staff Meeting - Renee Green			closed	Cleaning City Hall - Dunes City Admin
11	12	13	14	15	16	17
Veterans Day - CLOSED - Dunes City Office		6:00pm Planning Special Session (Dunes City Hall) - admin	3:00pm LaneACT (Springfield) - Dunes 5:00pm Budget Committee Meeting 6:00pm City Council	Vend West	closed	
18	19	20	21	22	23	24
	10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue) - Dunes City Hall Permits			Thanksgiving Holiday - CLOSED - Dunes City Office closed J. Mills Birthday	closed	Cleaning City Hall - Dunes City Admin
25	26	27	28	29	30	Dec 1
					closed	



# Dunes City Hall

## December 2018

December 2018

January 2019

Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 25	26	27	28	29	30	Dec 1
2	3 1:00pm Radio Check	4 9:00am Staff Meeting - Renee Green	5	6 Prepare Council Packets	7 closed	8 Cleaning City Hall - Dunes City Admin
9	10	11	12 3:00pm LaneACT (Springfield) - Dunes 6:00pm City Council Meeting -	13	14 closed	15 Vend West
16	17 10:00am WLEOG mtg (Siuslaw Valley Fire & Rescue) - Dunes City Hall Permits	18	19	20	21 closed	22 Cleaning City Hall - Dunes City Admin
23	24 Christmas Holiday - CLOSED - Dunes City Office	25	26 CLOSED Dunes City Office	27 CLOSED Dunes City Office	28 closed	29
30 Duke's Birthday - Dunes City Recorder	31	Jan 1, 19	2	3	4	5

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