

Dunes City Council ~ Regular Session

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**November 6, 2024 ~ 6:00 pm**

*The meeting will adjourn not later than 9:00 pm. If agenda items are not completed, they will be addressed at the next scheduled meeting.*

**AGENDA**

1. **Call to Order**..... Mayor Ed McGuire
2. **Roll Call** ..... City Administrator
3. **Pledge of Allegiance to the Flag**..... Mayor Ed McGuire
  
4. **Consideration of the Agenda**..... **Action Item**
  
5. **Announcements / Correspondence**
  
6. **Citizen Input on Items Not Discussed in Public Hearing**  

*The public comment period is an essential part of local government meetings. Each person has **three** minutes to speak. Our governing body takes the input into consideration. However, in observance of Oregon open meeting laws, this isn't the time for dialogue, but rather a time for us to **listen** to you. Our City Administrator is taking notes of action, as needed.*
  
7. **Old Business**
  - A. Survey Results Discussion (Council and Public) ..... Discussion/**Action Item**
  - B. Clean Rivers Proposal for abatement..... Discussion/**Action Item**
  
8. **New Business**
  - A. Number of Allowed Short-Term Rentals (STR)..... Discussion/**Action Item**
  - B. Fees for STR Non-Compliance..... Discussion/**Action Item**
  
9. **Work Session**  
Chapter 91..... Discussion
  
10. **Executive Session – None**
  
11. **For the Good of the Order**
  
12. **Adjournment**



# CLEAN RIVERS

PO Box 429 • North Bend, OR 97459

[www.cleanriversinc.com](http://www.cleanriversinc.com)

LCB# 8349 CCB# 174246 WBE DBE# 4770

Office# 541-267-3560

[cleanriversoffice@gmail.com](mailto:cleanriversoffice@gmail.com)

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**Customer:** Lila Timmons  
**Job Site Address:** 5104 Ford Way Florence Oregon  
**Phone:** (541)997-3338  
**Email:** [recorder@dunescityor.com](mailto:recorder@dunescityor.com)  
**Date:** October 4<sup>th</sup> 2024

**Project reference:** Erosion Control Plan for Dune City time and material consulting contract

- Consulting contract for SEPC for 3.64 disturbed unstable acres
- Recommendations for an erosion control plan will be included in the report
- Report will include BMP materials needed to stabilize the site
- Report will include Native vegetation needed to restore the site
- Report will include Cost estimate
- Contract pricing will include DEQ permitting and logistics

**Starting Date:** approximately October/2024

**Completion Date:** approximately November/2024

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**Richard Ziegler - Signature of Clean Rivers Representative**

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**Signature of Customer**

Please sign and return a copy if you wish to accept this bid. Thank you for the opportunity to bid your project. We value our customers and appreciate your business.

**Payment Options:** We accept cash or check

**Payment terms:** \$500.00 Down payment. This is a time and material contract with progressive billing.

**Warranty:** Clean Rivers will warrant all materials and workmanship for six months from the date of completion. This warranty shall not apply to damage caused by action or inaction of the owner, vandalism, acts of God, extreme weather, or damage done by animals/insects. Weeds in lawns and beds after installation are not considered warranty items. Nonpayment for work performed voids any warranty.

**Exclusions:** Clean Rivers is unable to foresee all unexpected items that may occur during construction. Those items may result in a change order to the project. Any items discovered during excavation such as stumps, concrete, unmarked utilities are not included in the bid and will be a change order or on a time and material basis.

**Permitting Exclusions.** There are many new staff in all the planning departments and that has brought about many changes and new interpretations of the building codes. Clean River's is not able to predict what permits or requirements are needed for projects anymore. This bid excludes any permitting or time required to work on the permits. These will be done on a case-by-case basis on a time a material rate.

**Please Note:** Bid is only valid for 15 days upon receipt. If bid is not accepted within 15days then Clean Rivers may not honor the bid price.

**Change Orders and Time and Materials:** If changes are made to the project during construction they can be done on a time and material basis.

-Labor rate \$95.00/hr person. We charge from when our staff starts at our shop and arrive back at our shop or at the next project. We also charge for office time related to the project for permitting/billing, or ordering materials.

-Materials are cost of goods plus 18%.

-Equipment rates are charged for dump trucks, flat bed delivery trucks, and any heavy equipment used to build the project. For example, our Skid Steers are \$65/hr plus the labor rate of the operator.

**Fuel and Material Escalator Clause:** If fuel exceeds \$6.00 a gallon or material prices have increased by more than 3% Clean Rivers can renegotiate the contract.

**Collection Fee Clause:** If it is necessary to refer this account for collection, buyer agrees to pay seller reasonable attorney fees and collection costs including any collection fees charged by a collection agency, even though no suit or action is filed. If this Contract is placed in the hands of an attorney for collection, I promise and agree to pay holder's attorney fees and collection cost even though no suit or action is filed heron. If suit or action is filed the amount of attorney fees shall be

fixed by the court or courts in which a suit or action including any appeal thereon is tried, heard, or appealed.

**Finance Charge:** Invoices past due may receive a late payment service charge of 10 percent per month. The minimum service charge is \$25.00.

**Additional Information:** By Oregon Law, Clean Rivers is required to give you the following information.

Landscape Contractors board  
2111 Front Street. NE, Suite 2-101  
Salem, OR 97301  
[www.lcb.state.or.us](http://www.lcb.state.or.us)  
1-503-378-5909

Construction Contractors Board  
700 Summer St. NE, Suite 300  
PO Box 14140  
Salem, OR 97309-5052  
[www.ccb.state.or.us](http://www.ccb.state.or.us)  
Phone: 503-378-4621

**These three forms are available online at the ccb website.**

- Customer Notification form
- Information Notice to owner about construction liens
- Notice of right to a lien

**Estimator**

Richard Ziegler  
Clean Rivers  
541-551-1509  
Cleanriversrichard@gmail.com

**CITY OF DUNES CITY  
LANE COUNTY, OREGON  
ORDINANCE NO. 252**

**AN ORDINANCE AMENDING CHAPTER 91 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “NUISANCES” BY CORRECTING SCRIVENOR’S ERRORS IN ORDINANCE NO. 220, WHICH LEAD TO A SCRIVENOR’S ERRORS IN ORDINANCE NO. 251; REPEALING ORDINANCE NO. 220 AND ORDINANCE NO. 251.**

**WHEREAS**, Ordinance No. 220, which amended Chapter 91 of the Dunes City Code entitled “Nuisances”, was adopted by the Dunes City Council following public hearing on the 14<sup>th</sup> day of March, 2013; and

**WHEREAS**, said Ordinance No. 220 contained numerous typographical errors, specifically with regard to the numbering of the Sections contained therein; and

**WHEREAS**, in reliance on the language of Ordinance No. 220, Ordinance No. 251 was drafted and now contains an erroneous Section number referral as well; and

**WHEREAS**, in preparing for a new codification of the Dunes City Code, the Dunes City Council believes it to be in the best interests of the citizens of Dunes City for such typographical errors to be corrected by this Ordinance and by repealing Ordinances 220 and 251;

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

**Section 1.** Title IX – General Regulations, Chapter 91 – Nuisances, is hereby amended to read as follows:

**TITLE IX - GENERAL REGULATIONS**

**CHAPTER 91 - NUISANCES**

**Section**

§ 91.01	Definitions
§ 91.02	Nuisances declared; Unenumerated nuisances
§ 91.03	Nuisances affecting public safety
§ 91.04	Nuisances affecting public health
§ 91.05	Nuisances affecting public peace
§ 91.06	Abatement procedure
§ 91.07 to § 91.98	Reserved
§ 91.99	Penalty

**§ 91.01 DEFINITIONS.**

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

***DISCARDED VEHICLE.*** A vehicle, whether it has an unexpired license plate lawfully affixed or not, except as provided herein, that is in one or more of the following conditions:

- A. Inoperative;
- B. Wrecked;
- C. Dismantled in whole or in part;
- D. Abandoned.

Vehicles that are in the process of being repaired or restored shall not be considered “discarded” provided no more than two (2) such vehicles are visible by persons walking or driving upon any street or other public right-of-way and from adjacent properties.

***ENCLOSURE.*** Any garage, carport, building, basement, or area fenced by a fence which is solid, not to exceed fence height limitations set by City Code, maintained in a good state of repair, which shields the junk from view from all public rights-of-way and adjacent properties.

***JUNK.*** Includes inoperable motors, discarded vehicles or parts thereof, inoperable hauling or travel equipment or machinery or parts thereof, inoperable appliances or parts thereof, iron or metal, glass, paper, lumber, wood, tires or other waste or discarded material that are kept out of doors on any street or other public right-of-way or on a lot or premises, except in an enclosure concealing such junk from the view of persons walking or driving upon any street or other public right-of-way and from adjacent properties.

***PERSON IN CHARGE OF PROPERTY.*** An owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property or supervision of a construction project.

***PERSON RESPONSIBLE.*** The person responsible for abating a nuisance includes:

- A. The owner;
- B. The person in charge of property, as defined in this section;
- C. The person who caused a nuisance, as defined in this Chapter or another ordinance of the City, to come into or continue in existence.

**WRECKED.** Substantially damaged through accident or other cause.

**§ 91.02 NUISANCES DECLARED; UNENUMERATED NUISANCES.**

A. The acts, conditions, or objects specifically enumerated and defined in this Chapter are declared public nuisances and may be abated by the procedures set forth in Chapter 36 of the Dunes City Code.

B. In addition to the nuisances specifically enumerated in this Chapter, every other thing, substance, or act that is determined by the City Code Enforcement Officer to be injurious or detrimental to the public health, safety, or welfare of the City is declared a nuisance and may be subject to City-initiated abatement or penalty as provided in this Chapter.

**§ 91.03 NUISANCES AFFECTING PUBLIC SAFETY.**

A. *Containers, cisterns, and the like.* No person shall create a hazard by:

1. Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one half (1 ½) cubic feet capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.

2. Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation, or other hole of a depth of four (4) feet or more and a top width of twelve (12) inches or more and failing to cover or fence it with suitable protective construction.

B. *Unsafe buildings.* No person shall permit a building owned by the person to be in an unsafe condition, as defined in the building code of the State.

C. *Rights of Way.*

1. No person shall place on any public right-of-way debris, materials, refuse, buildings, structures, or other human constructed improvements.

2. No person shall fail to apply for a right-of-way permit as required by Dunes City Code.

3. No person shall commit or permit trespass upon the public right-of-way, with or without a permit to do so, when demand to cease or remove said trespass is issued by the City.

4. No person shall commit any act upon a public right-of-way when such act is prohibited by Dunes City Code or State statute.

D. Nuisances affecting public safety may be subject to a penalty as provided herein.

#### **§ 91.04 NUISANCES AFFECTING PUBLIC HEALTH.**

A. *General nuisances affecting public health.* No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated as provided in Chapter 36 of the Dunes City Code:

1. Open vaults or privies constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations;

2. Accumulations of debris, rubbish, manure, and other refuse that are not removed within a reasonable time as set by the City and that affect the health of the City's residents;

3. Stagnant water that affords a breeding place for mosquitoes and other insect pests and rodents;

4. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;

5. Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition;

6. Drainage of liquid wastes from private premises;

7. Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor;

B. *Abandoned and discarded items prohibited.* No person shall keep junk or other items described below within the view persons walking or driving upon any street or public right-of-way, or from adjacent properties:



1. Abandoned appliances, including, but not limited to, freezers, refrigerators, iceboxes, water heaters, washers, dryers, ovens, etc;
2. Abandoned furniture including, but not limited to, items such as couches, chairs, tables, mattresses, etc;
3. Used wood or lumber containing nails or scattered in such a manner as to create a safety hazard;
4. Machinery which is inoperable, or parts thereof that would be a safety hazard to children or pets;
5. Scattered tires which are not being used for landscaping;
6. Any unguarded machinery, equipment, or other devices on property which may be attractive, accessible, and potentially dangerous to children;
7. Lumber, logs, or piling placed or stored in such a manner so as to be attractive, accessible, and potentially dangerous to children;
8. An open pit, quarry, cistern, or other excavation without adequate safeguards or barriers to prevent such places being used by children. This provision shall not apply to authorized construction projects if during the course of construction reasonable safeguards are maintained to prevent any injury to playing children;
9. More than two (2) discarded vehicles as defined in § 91.01 herein.

C. No person shall knowingly place, deposit, distribute, store or scatter food, garbage or any other attractant so as to knowingly constitute a lure, attraction or enticement for deer raccoon, bear, cougar, coyote, and/or wolf.

#### **§ 91.05 NUISANCES AFFECTING THE PUBLIC PEACE.**

A. No person shall create or assist in creating or permit the continuance of unreasonable noise in the City. The following enumeration of violations of this section is illustrative of some unreasonable noises, but is not exclusive:

1. Keeping an animal that causes annoyance, alarm, or noise disturbance for more than fifteen (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;
2. Using an engine or device that is so loaded, out of repair, or operated in such a manner that it creates a loud or unnecessary grating, grinding, rattling or other noise;

3. Using a mechanical device operated by compressed air, steam, or otherwise, unless the noise created by it is effectively muffled;

4. Using or operating a loudspeaker or sound amplifying device so loudly that it disturbs persons in the vicinity.

B. Noise is presumed to be unreasonable if, during the hours of 7:00 a.m. to 7:00 p.m. it is audible to a person of normal hearing at a distance of 100 yards, or during the hours of 7:00 p.m. to 7:00 a.m., it is audible at a distance of 50 yards.

§ 91.25, Inspection; Notice to Abate – deleted.

§ 91.26, Abatement by Person Responsible – deleted.

§ 91.27, Joint Responsibility - deleted.

§ 91.28, Abatement by City – deleted.

§ 91.29, Assessment of Costs; Lien – deleted

§ 91.30, Summary Abatement – deleted

§ 91.98, Penalty – deleted and replaced.

§ 91.99, Appeals – deleted.

#### **§ 91.06 ABATEMENT PROCESS.**

Violations of the provisions of this Chapter will be abated in accordance with the process described in Chapter 36 of the Dunes City Code.

#### **§ 91.99 PENALTY.**

Any person violating any of the provisions of §91.01 *et. seq.* may be deemed guilty of a misdemeanor by the appropriate City authority, and upon conviction shall be fined in an amount set by Resolution of the City Council from time-to-time. Every day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

#### **Section 2. REPEAL.**

The repeal of Ordinances 220 and 251 shall not affect any action occurring before the repeal takes effect. Ordinance Number 220 and Ordinance Number 251 are hereby repealed.

#### **Section 3. SEVERABILITY CLAUSE.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. OTHER REMEDIES.** Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

**Section 5. CAPTIONS.** The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

**Section 6. SCRIVENER'S ERRORS.** Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

**Section 7. EFFECTIVE DATE.**

The City Council declares an emergency to exist in that more than the mandatory 30 days have expired since the adoption of Ordinance 220 and 30 days will have passed since the adoption of Ordinance 251 on May 10, 2019, so there is no need to wait another 30 days due to scrivener's errors. This Ordinance shall take on May 10, 2019.

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First reading performed in a regular meeting of the City Council of Dunes City, Oregon, on the 8<sup>th</sup> day of May, 2019.

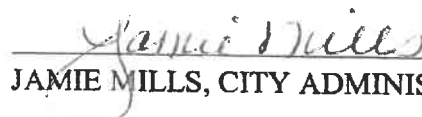
Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 8th day of May, 2019.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1

**DATED THIS 8<sup>th</sup> DAY OF MAY, 2019.**

  
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ROBERT FORSYTHE, MAYOR

ATTEST:

  
\_\_\_\_\_  
JAMIE MILLS, CITY ADMINISTRATOR