



MYRTLE CREEK CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
MYRTLE CREEK COUNCIL CHAMBER

AGENDA PACKET 12/3/2024 AMENDED

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, December 3, 2024, at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for other accommodations for persons with disabilities, or for remote access should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING – 5:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-Agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Public Presentations – *Items that do not require immediate council action, such as presentations, discussions of potential future action items.*

4. Citizens Heard on Non-Agenda Items

5. Consent Agenda – *Requires a motion*

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately upon request.

5.1 Approval of minutes of the Regular City Council Meeting for November 19, 2024

6. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has

given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

6.1 Proclamation – Election Certification

6.2 Purchase of Patrol Vehicle

7. Ordinances and Resolutions

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

7.1 Ordinance 865 – SECOND READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.05 Business Licenses and Repealing and replacing Ordinance No. 729

7.2 Ordinance 866 – SECOND READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.15 Taxicabs and Repealing and Replacing Ordinance No. 574.

7.3 Ordinance 867 – SECOND READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.20 Tobacco Vending Machines and Repealing and Replacing Ordinance No. 604.

7.4 Ordinance 868 – SECOND READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.25 Recreational Marijuana Tax and Repealing and Replacing Ordinances No. 806 and 813.

7.5 Ordinance 869 – SECOND READ – An Ordinance Repealing Ordinances 688, 739, and 11-005 Public Contracting.

8. Public Hearing – Zoning Amendments

8.1 Ordinance 870 – FIRST READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; Myrtle Creek Municipal Code Section 18 Zoning to Meet Requirements Set by Oregon State House Bill 3395.

9. City Administrator Report

10. Mayor and Councilor – Committee Reports and Councilor Comments

11. Executive Session

The Myrtle Creek City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: November 19, 2024

PLACE: Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

PRESIDING OFFICER: Council President Robert Chaney, Sr.

COUNCILORS PRESENT: Councilors: Luke Dillon, Diana Larson, Bill Burnett, Mayor Matthew Hald (late arrival)

COUNCILORS ABSENT: Susan Harris,

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey, Finance Officer Lesley Hiscocks, Fire Chief Manie Pires

CALL TO ORDER: Council President Robert Chaney Sr. called the November 19, 2024 meeting to order at 5:30 PM

PUBLIC PRESENTATION

No Public Presentation

CITIZENS ON NON-AGENDA ITEMS

CONSENT AGENDA

Parts I & II

Motion was made by Councilor Larson and seconded by Councilor Burnett to approve Consent Agenda Parts I & II as presented in the November 19, 2024, council packet. Discussion: no discussion followed. Vote: Motion passed unanimously.

DEPARTMENT REPORTS

Community Development Department

City Administrator Lonnie Rainville submitted the Community Development Report into record as written.

Finance Report

Finance Officer Lesley Hiscocks submitted the Finance Report into record as written.

Police Department

The October Police Department Report was submitted into record as written.

Fire Department

Fire Chief Manie Pires submitted the Fire Department Report into record as written.

Public Works

City Administrator Lonnie Rainville submitted the Public Works Report into record as written. Councilor Larson mentioned that the hydrant blow off valve by the cemetery needs to be wrapped prior to our first freeze.

REGULAR AGENDA

Railroad Property Letter – Councilor Larson

Councilor Larson shared that she read the letter attached in the packet and felt that it was a good representation of the Council's desire

Motion made by Councilor Burnett in favor of sending the attached letter to the railroad. Motion was seconded by Councilor Larson. Discussion: no discussion followed.

Vote: Motion passed unanimously.

UEDP Membership

City Administrator Lonnie Rainville shared that Brian Prowitz of Umpqua Economic Development Partnership has worked with the City on many projects and offered a spot on the board to the City of Myrtle Creek. There is an annual dues payment for members of the general board. Councilor Larson asked about a time commitment and the City Administrator shared that there are quarterly meetings. Councilor Chaney asked how much weight the city's vote would carry. Councilor Larson shared that it might be worth a years membership to see if there are benefits.

Meeting paused to allow Mayor Hald, arrived at 5:46 PM, to take over the meeting.

Motion made by Councilor Burnett to join the UEDP Partnership. Motion seconded by Councilor Larson. Discussion: Councilor Dillon asked for clarification on the number of board members.

Vote: Motion passed unanimously.

PUBLIC HEARING

Public Hearing held for Myrtle Creek Municipal Code Legislative Amendments.

Public Hearing opened at 5:53 P.M.

No objections were received.

No conflicts of interest reported from Council

No challenges to Councilors Qualifications

City Administrator Lonnie Rainville shared his staff report regarding the suggested changes by the Code Review Board.

No questions or objections were presented by the audience.

Public Hearing closed at 6:02 PM

Ordinance 865 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.05 Business Licenses and Repealing and replacing Ordinance No. 729

Motion was made by Councilor Chaney to approve the first read of Ordinance 865 An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.05 Business Licenses and Repealing and replacing Ordinance No. 729. Motion was seconded by Councilor Larson. Discussion: None
Vote: Motion passed unanimously.

Ordinance 866 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.15 Taxicabs and Repealing and Replacing Ordinance No. 574

Motion was made by Councilor Larson to approve the first read of Ordinance 866 – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.15 Taxicabs and Repealing and Replacing Ordinance No. 574. Motion was seconded by Councilor Dillon. Discussion: None
Vote: Motion passed unanimously.

Ordinance 867 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.20 Tobacco Vending Machines and Repealing and Replacing Ordinance No. 604

Motion was made by Councilor Dillon to approve the first read of Ordinance 867 – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.20 Tobacco Vending Machines and Repealing and Replacing Ordinance No. 604. Motion was seconded by Councilor Larson. Discussion: None
Vote: Motion passed unanimously.

Ordinance No. 868 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.25 Recreational Marijuana Tax and Repealing and Replacing Ordinances No. 806 and 813

Motion was made by Councilor Dillon to approve the first read of Ordinance 868 – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 5.25 Recreational Marijuana Tax and Repealing and Replacing Ordinances No. 806 and 813. Motion was seconded by Councilor Larson. Discussion:

None

Vote: Motion passed unanimously.

Ordinance No. 869 – FIRST READ – An Ordinance Repealing Ordinances 688, 739, and 11-005 Public Contracting.

Motion was made by Councilor Larson to approve the first read of Ordinance 869 – An Ordinance Repealing Ordinances 688, 739, and 11-005 Public Contracting. Motion was seconded by Councilor Burnett. *Discussion: None*

Vote: Motion passed unanimously.

CITY ADMINISTRATOR REPORT

City Administrator Lonnie Rainville shared that we have received the population growth estimate from Portland State University. The city’s population moved from 3,501 to 3,509. City offices will be closed next Thursday and Friday in observance of Thanksgiving. City Administrator Lonnie Rainville shared that UEDP have offered to take over the management of the South Douglas Enterprize Zone. The first leaf pickup was well received by the residents and two additional days were added with one in November and one in December. The annual Christmas Tree lighting is Saturdya, December 7th.

MAYOR AND COUNCILOR – COMMITTEE REPORTS and COUNCILOR COMMENTS

Councilor Dillon shared that at Oak and First there has been a car sitting for several weeks. Councilor Larson asked about the FAA funding. She also shared that the library has a crafters club, knitting club, chess club, D & D club and craft fair. Councilor Chaney shared that next Thursday is the free Community Thanksgiving dinner. Mayor Hald shared that the Cork & Keg put on by the Main Street Association sold around 310 glasses for the event.

ADJOURNMENT

Mayor Matthew Hald adjourned the regular meeting of the City Council for November 19, 2024 at 6:21 P.M.

Matthew Hald, Mayor

Attest:

Joanna Bilbrey
City Recorder



CITY OF MYRTLE CREEK

P.O. BOX 940, 207 NW PLEASANT ST., MYRTLE CREEK OR 97457
(541) 863-3171 FAX (541) 863-6851

PROCLAMATION

I, Joanna Bilbrey, City Recorder for the City of Myrtle Creek, Oregon, do proclaim that at the election held in the City of Myrtle Creek on the 5th day of November, 2024, there was submitted to the voters an election for Councilor Positions No. 1, No. 3 and No. 5. The Official Abstract for the General Election certified by the Douglas County Clerk Daniel Loomis on December 2, 2024, lists the results of this election as follows:

Councilor Position No. 1, Bob Chaney Sr, with 1124 affirmative votes, 97.47 candidate percent and running unopposed.

Councilor Position No. 3, Cathey Wragg, with 1074 affirmative votes, 97.28 candidate percent and running unopposed.

Councilor Position No. 5, Rick Held, with 1146 affirmative votes, 97.45 candidate percent and running unopposed.

Dated this 3rd day of December 2024.

Joanna Bilbrey
Myrtle Creek City Recorder

Myrtle Creek - City Council Agenda Report

Agenda item: Purchase Patrol Vehicle From Roseburg Police Department and Sell Patrol Dodge Charger to Another Law Enforcement Agency

Meeting Date: December 3, 2024 Primary Staff Contact: Chief Brewster
Department: Police E-Mail: jpbrewster@myrtlecreek.org
Secondary Dept.: Secondary Contact:

Issue before the Council: Purchase patrol vehicle from Roseburg Police Department and sell patrol Dodge Charger.

Staff Recommendation: Purchase patrol vehicle from Roseburg Police Department, have equipment installed by Wireworks in Salem, have FX Design replace the graphics, and sell Dodge patrol car to another police agency.

Background: The police department received an offer from Roseburg Police Department to purchase a 2019 Ford Explorer for \$10,000.

The Roseburg Police Department offered to sell the City of Myrtle Creek a 2019 Ford Explorer patrol vehicle for \$10,000. The vehicle has 59,300 miles on it and is fully equipped as a patrol vehicle minus the radio, and in-car dash camera. Wireworks gave an estimate to switch out the radio and camera for around \$1,000. FX design gave an estimate to pull the graphics off and replace them with Myrtle Creek PD graphics for \$1,400. The city would be replacing a 2021 Dodge Charger with approximately 68,000 miles on it. The 2021 Dodge Charger was scheduled to be the next vehicle to go offline in two years and this switch would still keep us in line with our vehicle rotation. Wireworks believes the city can do a quick sale of the Dodge Charger to another police agency and we should be able to recover all of our money for the vehicle purchase. Graphics, and equipment transfer.

Douglas County is doing an emergency radio system upgrade and going to a dual band encrypted system for police, which is scheduled to go live in 2027. The current car radio is not capable of transmitting on a dual band. If the system were to go live today, the police department would immediately have to replace 8 portable radios and 4 car radios, with a cost of \$82,520. To prevent the expense all at once we can begin to purchase these items over the next few years and can purchase an APX 8500 Motorola car radio for \$6,852.20 and have it installed during this vehicle transition.

Fiscal Impact: \$19,252.20.

Council Options:

- Authorize the police department to purchase the Ford Explorer from the Roseburg Police Department, have Wireworks switch out the equipment, have FX Design switch out the graphics, purchase the Apex 8500 Motorola radio from Day Wireless, and sell the Dodge Charger to another police agency.
- Take no action.

Potential Motion:

- Move to authorize the police department to purchase the Ford Explorer from the Roseburg Police Department, have Wireworks switch out the equipment, have FX Design switch out the graphics, purchase the Apex 8500 Motorola radio from Day Wireless, and sell the Dodge Charger to another police agency.

CITY OF MYRTLE CREEK

ORDINANCE NO 865

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 5.05 BUSINESS LICENSES AND REPEALING AND REPLACING
ORDINANCE NO. 729**

WHEREAS, the Myrtle Creek Code Review Board has been tasked with reviewing the Myrtle Creek Municipal Code in its entirety; and

WHEREAS, the Myrtle Creek Code Review Board has recommended updates to Chapter 5.05 of the Myrtle Creek Municipal Code that more closely align with current operations; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

Chapter 5.05 of the Myrtle Creek Municipal Code, Business Licenses, shall now read as follows:

SECTION 1 Purpose.

This chapter is enacted, except as otherwise specified, to provide revenue for municipal purposes and to provide for the health, safety and welfare of the citizens of Myrtle Creek through regulation of business, occupations and trade.

SECTION 2 Definitions.

For the purpose of this chapter, certain words, terms and phrases are defined as follows:

“Applicant” means the owner or agent of the named business.

“Business” means any profession, trade, occupation, shop and every type of calling wherein a charge is made for goods, materials or services.

“City” means the city of Myrtle Creek, Oregon; and, for the administrative purposes of this chapter, the city recorder or the city administrator, or their designees, are authorized to act for the city.

“License” means the permission granted for the carrying on of a business, profession or occupation within the city limits.

“Licensee” means the business as specified and named by the applicant.

“Nonprofit organization” means a bona fide organization with tax exempt status.

“Peddler” means a person or persons, including all persons in attendance, traveling from place to place selling and delivering at the same time any article or thing of value. Term shall not include regular commercial vendors employed by wholesale houses and selling for the purpose of resale goods, wares, merchandise or services to licensed merchants within the city, nor to newspaper vendors, and shall not include common labor.

“Person” means all public and private corporations, including domestic and foreign corporations, firms, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, and any other group acting as a unit, and individuals transacting and carrying on any business within the city.

“Revocation” means withdrawal of approval to operate a business.

“Solicitor” means one who travels from place to place, not carrying his goods with him, but taking orders for future delivery. Term shall not include regular commercial vendors employed by wholesale houses and selling for the purpose of resale goods, wares, merchandise or services to licensed merchants within the city, nor to newspaper vendors, and shall not include common labor.

“Suspension” means an official order to suspend business operations pending correction or ceasing of certain conditions or practices.

“Transient merchant” means one who occupies a mobile or temporary fixed location, which provides goods or services in the city, and does business in much the same manner as a permanent business; includes Oregon licensed construction and landscape contractors, towing services, [food trucks](#), and roadside vendors.

SECTIONS 3 Exemptions.

(1) Nothing in this chapter shall be construed to apply to any person transacting and carrying on business within the city which is exempt from taxation or regulation by the city by virtue of the Constitution of the United States or the state of Oregon.

(2) No person whose income is based solely on a wage or salary shall, for the purpose of this chapter, be deemed a person transacting or carrying on any business in the city, and it is the intention that all license fees will be borne by the employer.

(3) Any business paying a franchise fee under any city ordinances or resolutions now existing is exempt from the requirements of this chapter.

(4) Wholesalers making deliveries or taking orders from duly licensed retail outlets within the city are exempt from this chapter.

(5) Any person 16 years or younger who operates a business on a part-time basis, which business has an annual gross income of less than \$1,500, is exempt from this chapter.

(6) Except as provided in MCMC [5.05.110](#), nonprofit organizations are exempt from this chapter.

SECTION 4 License required.

- (1) A license fee is hereby imposed on any business not licensed by other ordinances of the city, and it shall be unlawful for any person to engage in any such business within the city without first having obtained a license for the current fiscal year as provided under this chapter.
- (2) The agent, or agents, of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for any failure to comply with the provisions of this chapter, or for any penalty assessed under this chapter, to the extent, and with like effect, as if such agent or agents were themselves the proprietors or owners of the business.
- (3) A person engaged in business in more than one location, or in more than one business licensed under this chapter, shall make a separate application and pay a separate license fee for each business or location, except as otherwise provided in this chapter.
- (4) A person representing themselves, or exhibiting any sign or advertisement that they are engaged in a business within the city for which a business license is required by this chapter, shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this chapter.
- (5) The city may require proof of bonding or state registration. An applicant shall possess any county or state license required or shall be awaiting final approval by the county or state, if city approval is a prerequisite, before a city license will be issued.
- (6) All persons requesting a city business license under a fictitious name shall provide proof of current name registry from the Secretary of State, State of Oregon.

SECTION 5 Application for license.

- (1) Application for a new business license, or for renewal of an existing business license, shall be made to the city upon forms furnished by the city. Each application shall state and show:
 - (a) Name of business.
 - (b) Brief description of type of business.
 - (c) Name and address of the applicant.
 - (d) Street address and mailing address of the business.
 - (e) Signature of the applicant.
 - (f) Copy of photo identification.
 - (g) Copy of current and appropriate federal, state, county, and city licenses, bonds and insurances.

(2) The city may require the applicant to supply any additional information necessary to determine under MCMC [5.05.080](#) that the applicant meets all other requirements for the license. Review of an application shall not begin until all requested information has been provided.

SECTION 6 License fees.

All business license fees shall be determined by resolution of the city council. All city licensed vendors and contractors providing or selling goods and services solely limited to the city of Myrtle Creek (local government) are exempt from licensing fees.

SECTION 7 Transfers and relocations, terms of license.

(1) Transfer of License. In the event of the transfer of ownership of any business, the applicable business license may be transferred by application to the city. The city may approve the transfer upon finding that the new applicant meets the requirements of this chapter.

(2) Relocation of an Existing Business. In the event a business relocates, the licensee shall reapply to the city to transfer the business license. The city may issue the license upon finding that the new location meets the requirements of this chapter.

(3) Permanent License. A business license issued under this chapter shall be valid from the date of issuance until the following June 30th.

(4) Temporary License. A temporary business license may be issued for a period not exceeding five business days.

SECTION 8 Approval, denial, revocation or suspension of license.

(1) Approval of Application. A business license shall be issued within 10 days of submission of a complete application and the required fee upon a finding that the applicant has met all requirements of this chapter. The city shall notify the applicant in writing of any special conditions or limitations placed on the license which the city deems necessary to protect the public health, safety, or welfare which are required by this chapter.

(2) Denial, Revocation, or Suspension of License. The city may deny, suspend or revoke a business license upon finding that:

(a) The licensee fails to meet the requirements of, or is doing business in violation of, any law or requirement of this chapter; or

(b) The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the application, related materials, or license; or

(c) The applicant's past or present violation of a law or ordinance presents a reasonable doubt about their ability to perform the licensed activity without endangering property or the public health or safety; or

(d) The information given on the application does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity; or

(e) There is reason to believe that the licensed activity would endanger property or the public health or safety.

(3) Notice. The city shall provide written notice to the applicant or licensee of a denial, suspension or revocation. The notice shall state the reason for the action taken and shall inform the applicant of the right to appeal under MCMC [5.05.090](#). The notice shall be given at least 15 days before the revocation becomes effective. If the violation ends within the 15 days, the city may discontinue the revocation proceedings.

(4) Summary Suspension. Upon determining that a licensed activity or device represents an immediate danger to persons or property, the city may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license being suspended. Such notice shall state the reason for the suspension and inform the licensee of the provision for appeal under MCMC [5.05.090](#). Within 10 days of a summary suspension the city council shall review the pertinent facts which resulted in the suspension and shall determine whether said facts deem it necessary to continue the suspension in order to protect the health, safety and welfare of the citizens of Myrtle Creek, or to otherwise ensure that the requirements of this chapter are complied with. The city council may continue suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under MCMC [5.05.090](#).

SECTION 9 Appeal.

In the event an applicant for a license under this chapter is denied such license, or in the event a license is suspended or revoked, the applicant or license holder shall have the right of appeal. A written notice of appeal to the city council shall be filed with the city within 15 days after the denial of the license or license suspension or revocation. The city council shall hear and make a determination in regards to the appeal within 10 days of the filing of the notice of appeal. The decision of the city council on such appeal shall be final and conclusive.

SECTION 10 Disclaimers, exceptions and general requirements.

(1) Disclaimers and Exceptions. The collection of a license fee upon any business shall not be construed to be a license or permit by the city to the person engaged therein in the event such business be unlawful, illegal or prohibited by the laws of the state of Oregon or the United States, or the ordinances of the city of Myrtle Creek. Nothing herein contained shall be taken or construed to vest any right in any license as a contract obligation on the part of the city. Business license fees, as set by resolution of the city council, may be increased or decreased at any time by the city council. No person having paid the fee required, and having made application for a business license, shall be entitled to any refund.

(2) General License Requirements. In addition to any other requirement of this chapter, each licensee shall:

(a) Conform to all federal, state and local laws and regulations, the provisions of this chapter, and any rules adopted hereunder.

- (b) Notify the city within 10 days of any change in material information contained in the application, related materials, or license.
- (c) Display a business license upon request to any person with whom they are dealing as part of the licensed activity or to an officer or employee of the city.
- (d) Display a business license at all times in a public place.

SECTION 11 Special requirements.

~~(1) Security Services, Merchant Police and Similar Businesses. The owner, and the applicant if different than the owner, of any private security service, merchant police or similar business, and every individual employed by the licensed business who will be working in the city of Myrtle Creek, shall agree to a complete background check by the chief of police to determine their qualification and reliability. The city may require a bond and such insurance as may be deemed proper. The license shall be issued only upon the police chief's approval of each person involved, such approval to be based on the complete background check.~~

~~(2-1)~~ Peddlers and Solicitors. The applicant shall supply all business information as required by all business operations; and period of operations within the city; and identify all vehicles used together with license number or other means of identification; and the names, addresses, dates of birth, and any other pertinent information regarding each individual intending to take part in the solicitation or peddling at the time of application.

Each individual peddler and/or solicitor shall submit the appropriate fee as required in the Myrtle Creek handbook of fees and charges and agree to a complete background check by the chief of police to determine the qualifications and reliability of the individual. The city may require a bond and such insurance as may be deemed proper. The license shall be issued only upon the police chief's approval of each person involved, such approval to be based on an individual's complete application and background check.

~~Any applicant for peddler or solicitor business license shall deposit with the city recorder a cash or surety bond in the sum of \$5,000 or an amount equal to 10 percent of estimated annual city sales, whichever is greater. Any person aggrieved by an action of any peddler shall have a right of action on the bond for the recovery of money or damages or both. Such bond shall remain on deposit for a period of 90 days after the expiration of such license, unless sooner released by the city council.~~

~~(3-2)~~ Nonprofit Organizations. A nonprofit organization which will conduct any type of business within the city on a continuous basis throughout the year, regardless of whether such business is open to the general public, shall make application to the city for the license to carry on the activity for the current fiscal year. After once issued, the licensed activity is subject to all the provisions of this chapter, except that such nonprofit organization will not be required to pay the license fee.

SECTION 12 Violations and penalties.

(1) Any person convicted of violating any of the provisions of this chapter shall be punished by a fine not to exceed \$250.00 for any one offense, each day constituting a separate offense.

(2) Inspection and Right of Entry. Whenever ~~they shall have cause to suspect~~ there is suspicion of a violation of any provisions of this chapter, or when necessary to investigate an application for, or revocation of, a license under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

(3) Abatement. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.

(4) Legal Proceedings by City Attorney. In addition to the enforcement provision of this chapter, upon request by the city council, the city attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

SECTION 13. Repeal

Ordinance 729, which was adopted March 18, 2003, is hereby repealed in its entirety.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this ____ day of November 2024.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this ____ day of December 2024.

APPROVED BY THE MAYOR this _____ day of December 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

CITY OF MYRTLE CREEK
ORDINANCE NO 866

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 5.15 TAXICABS AND REPEALING AND REPLACING ORDINANCE
NO. 574**

WHEREAS, the Myrtle Creek Code Review Board has been tasked with reviewing the Myrtle Creek Municipal Code in its entirety; and

WHEREAS, the Myrtle Creek Code Review Board has recommended updates to Chapter 5.15 of the Myrtle Creek Municipal Code that more closely align with current operations; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

Chapter 5.15 of the Myrtle Creek Municipal Code shall be retitled Taxicabs/Public Passenger Vehicle License and shall now read as follows:

SECTION 1 License required.

It shall be unlawful for any person to engage in or carry on the occupation of taxi or [public passenger vehicle](#) service within the corporate limits of the city of Myrtle Creek until such person shall have secured a license authorizing such person to engage in and carry on such occupation. Such license shall be issued by the chief of police.

SECTION 2 Taxi/[Public Passenger Vehicle Service](#) – Responsibilities of owner.

(1) An owner shall:

(a) Obtain ~~\$300,000~~ [1,000,000](#) in combined single limit (for bodily injury and property damage) liability insurance, ~~and obtain by January 1, 1989, increased coverage to \$500,000.~~

~~(b) Within three months of beginning operation within the city, shall qualify for and offer service through the Douglas County taxi ticket program.~~

(~~e~~b) Issue to each driver in his/her employ an identification card with the driver's photograph, name in printed form and signature, and the owner's business name, address and telephone number and retrieve the identification card from the driver immediately upon termination of employment.

(~~d~~c) **Taxi services owner will** conspicuously display in each vehicle a schedule of rates for service in a manner that can be easily read from both inside and outside the vehicle. The schedule shall be printed in machine lettering

(~~e~~d) Maintain all vehicles according to manufacturer's instructions.

(~~f~~e) Maintain for a period of three years complete maintenance records for each vehicle and make the records and the vehicles available for inspection by the city upon request.

(~~g~~f) Maintain records on each driver during the term of employment and for six months thereafter. Each record shall contain the driver's:

(i) Name and aliases.

(ii) Current and prior three addresses (for the past five years).

(iii) Physical description.

(iv) Date of birth.

(v) Oregon driver's license number.

(~~h~~g) Equip each vehicle with an ABC-rated fire extinguisher.

(~~i~~h) Comply with all applicable federal, state and local laws and regulations.

(~~j~~i) Employ as drivers only those persons who hold a valid taxi/**public passenger vehicle** driver certification card issued by the city.

(~~k~~j) Report to the city in writing within seven days any known or suspected conviction of a driver for any felony or misdemeanor described in MCMC [5.15.030](#).

(~~l~~) Not permit any driver to operate a vehicle unless the driver's identification card is displayed in full view of the passenger compartment.

(2) An owner shall be strictly liable for any violations of this chapter committed by an agent or employee.

(3) A taxicab owner shall:

(a) Prominently display on the exterior of each taxicab the word "taxi" or "taxicab," and the business name under which the taxicab operates.

(b) If a taximeter is used to calculate the taxicab fare:

(i) Place and illuminate the taximeter so that its numbers are visible from the passenger compartment; and

(ii) Keep the taximeter accurate.

(c) If zones are used to calculate taxicab fare, maintain in the passenger compartment a map of the area on which each zone is delineated and on which rates are printed in machine lettering.

SECTION 3 ~~Taxicab~~ d Drivers – Certification required.

- (1) No person shall act or be employed as a driver without first obtaining a taxi/[public passenger vehicle](#) certification card issued by the police chief.
- (2) The police chief may issue a taxi certification card upon finding that the applicant:
 - (a) Has a valid Oregon Class I, II, III and IV license.
 - (b) Has not been convicted of a crime or offense involving burglary, theft, narcotics, assault, robbery, kidnapping, homicide, harassment, vice, a major traffic crime or a sex related offense:
 - (i) If a felony, within the preceding five years.
 - (ii) If a misdemeanor, within the preceding two years.
- (3) A taxi certification card shall be valid from the date of issuance to the date of employment termination.

SECTION 4 ~~Taxicab~~/[Public Passenger Vehicle](#) service – Responsibilities of driver.

- (1) A driver shall:
 - (a) Obtain and maintain a valid license from the city.
 - (b) Not commit any offense described in MCMC [5.15.030](#).
 - (c) Report to the city in writing within seven days any convictions for a felony or misdemeanor offense described in MCMC [5.15.030](#).
 - (d) Have his/her certification card in his/her possession while on duty.
 - (e) Not operate a vehicle unless an identification card with the driver's photograph, name in print form and signature, and the owner's business name, address and telephone number is displayed in full view of the passenger compartment.
 - (f) Deduct any charges for the time of delay in the event a vehicle becomes disabled or breaks down while conveying a passenger or baggage.
 - (g) Take the most direct route possible that will carry the passenger safely and expeditiously to his/her requested destination unless otherwise requested.
 - (h) Upon request by the passenger present a receipt of services provided.
 - (i) Comply with all applicable federal, state and local laws and regulations.
- (2) Violations of MCMC [5.15.020](#), [5.15.030](#) or this section shall be grounds for revocation or suspension of a certification card.

SECTION 5 Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed \$100.00. Each day's violation constitutes a separate offense.

SECTION 6. Repeal

Ordinance 574, which was adopted September 20, 1988, is hereby repealed in its entirety.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this ____ day of November 2024.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this ____ day of December 2024.

APPROVED BY THE MAYOR this _____ day of December 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 867

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 5.20 TOBACCO VENDING MACHINES AND REPEALING AND
REPLACING ORDINANCE NO. 604**

WHEREAS, the Myrtle Creek Code Review Board has been tasked with reviewing the Myrtle Creek Municipal Code in its entirety; and

WHEREAS, the Myrtle Creek Code Review Board has recommended updates to Chapter 5.20 of the Myrtle Creek Municipal Code that more closely align with current operations; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

Chapter 5.20 of the Myrtle Creek Municipal Code, Tobacco Vending Machines, shall now read as follows:

SECTION 1 Purpose.

The purpose of this chapter is to promote the health and welfare of the citizens of the city of Myrtle Creek by limiting the availability of cigarettes and tobacco products to children under the age of ~~18~~ 21 years, through the means of restricting the placing of vending machines dispensing cigarettes or tobacco products.

SECTION 2 Title.

This chapter shall be known and cited as the “city of Myrtle Creek tobacco vending machine ordinance.”

SECTION 3 Definitions.

For the purposes of this chapter, certain words, terms and phrases are defined as follows:

“Accessible to persons under the age of ~~18~~ 21 years” means, in reference to premises, that no prohibition exists to the entry upon premises, or a discrete portion of premises, by persons who have not attained the age of ~~18~~ 21 years.

“Cigarette” has the meaning set out in ORS [323.010](#)(1).

“Tobacco products” has the meaning set out in ORS [323.500](#)(14).

“Tobacco vending machine” means any self-service device offered for public use which, upon insertion of a coin, coins, currency or token, or by other means, dispenses cigarettes or any tobacco product, either in bulk or package, without the necessity of replenishing the device between each vending operation.

SECTION 4 Tobacco vending machines prohibited.

(1) It shall be unlawful for any person in possession of any premises located within the city of Myrtle Creek to place or allow to be placed on such premises any tobacco vending machine.

(2) It shall be unlawful for any person who owns or controls a tobacco vending machine to place or allow to be placed such tobacco vending machine on the premises within the city of Myrtle Creek.

SECTION 5 Exceptions.

The prohibition of MCMC 5.20.040 shall not apply to premises or to tobacco vending machines on premises that are:

(1) Licensed by the Oregon Liquor Control Commission for on-premises consumption of alcoholic beverages and that persons under the age of ~~18~~ 21 are prohibited from entering.

(2) Licensed by the Oregon Liquor Control Commission as a retail liquor store.

(3) Maintained for the use of employees and not open to the public.

(4) Not accessible to persons under the age of ~~18~~ 21 years.

(5) Configured in a way that will allow a blind person, as that term is defined in ORS 346.110(3), who has training and skills that enable the blind person to determine if a person obtaining cigarettes or any tobacco product from a tobacco vending machine is under ~~18~~ 21 years of age, and which blind person is in control of the tobacco vending machine.

SECTION 6 Affirmative defense.

In any prosecution for violation of MCMC 5.20.040 it shall be an affirmative defense that the premises are not accessible to persons who are under ~~18~~ 21 years of age.

SECTION 7 Penalties.

Violation of MCMC 5.20.040 is an infraction punishable upon conviction by a fine of not more than \$500.00 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense.

SECTION 8. Repeal

Ordinance 604, which was adopted July 23, 1991, is hereby repealed in its entirety.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this ____ day of November 2024.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this ____ day of December 2024.

APPROVED BY THE MAYOR this _____ day of December 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 868

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 5.25 RECREATIONAL MARIJUANA TAX AND REPEALING AND
REPLACING ORDINANCES NO. 806 AND 813**

WHEREAS, the Myrtle Creek Code Review Board has been tasked with reviewing the Myrtle Creek Municipal Code in its entirety; and

WHEREAS, the Myrtle Creek Code Review Board has recommended updates to Chapter 3.30 of the Myrtle Creek Municipal Code that more closely align with current operations; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

Chapter 5.25 of the Myrtle Creek Municipal Code, Recreational Marijuana Tax, shall now read as follows:

SECTION 1 Purpose.

For the purposes of this chapter, every person who sells marijuana items in the city of Myrtle Creek is exercising a taxable privilege. The tax shall be imposed upon the sale of marijuana items by a marijuana retailer regulated under Chapter 1, Oregon Laws 2015 (Measure 91), as amended by Section 1, Chapter 614 Oregon Laws 2015 (HB 3400); but shall not be imposed on marijuana sold by medical marijuana dispensaries registered under ORS [475B.450](#).

SECTION 2 Definitions.

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

“Director” means the finance director for the city of Myrtle Creek or his/her designee.

“Gross taxable sale(s)” means the total amount received in money, credits, property and/or other consideration from sales of marijuana items.

“Marijuana item(s)” has the meaning assigned to such term under Section 5, Chapter 1, Oregon Law 2015 (Measure 91), as amended by Section 1, Chapter 614, Oregon Laws 2015 (HB 3400).

“Marijuana retailer(s) or seller(s)” means a person who sells marijuana items to a consumer in this state and who holds a license under Section 22, Chapter 1, Oregon Laws 2015 (Measure 91).

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the state of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

“Purchase or sale” means the acquisition or furnishing of marijuana items for consideration by any person within the city.

“Tax” means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

“Taxpayer” means any person obligated to account to the finance director for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

SECTION 3 Tax imposed.

To the fullest extent permitted under Section 34a, Chapter 614, Oregon Laws 2015 (HB 3400), there is hereby levied a tax which shall be paid by every marijuana retailer exercising the taxable privilege of selling marijuana items. The amount of tax levied shall be three percent of the gross sales of the marijuana retailer in the area subject to the city’s jurisdiction. The seller shall collect the tax at the point of sale of a marijuana item. Subject to applicable law, the tax rate may be adjusted ~~from time to time~~ as needed and allowable by state law by council resolution.

SECTION 4 Deductions.

The following deductions shall be allowed against sales received by the seller providing marijuana:

- (1) Refunds of sales actually returned to any purchaser;
- (2) Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana and does not include any adjustments for other services furnished by a seller.

SECTION 5 Seller responsible for payment of tax.

(1) Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the director, on forms provided by the city, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The seller may request or the director may establish shorter reporting periods for any seller if the seller or director deems it necessary in order to insure collection of the tax and the director may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the director.

(2) At the time the return is filed, the full amount of the tax collected shall be remitted to the director. Payments received by the director for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to

the interest of the city. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.

(3) Nondesignated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the city in a particular tax or factual situation, the director may order such a change. The director may establish shorter reporting periods for any seller if the director deems it necessary in order to insure collection of the tax. The director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the city until payment is made to the director. A separate trust bank account is not required in order to comply with this provision.

(4) Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent of all taxes due to defray the costs of bookkeeping and remittance.

(5) Every seller must keep and preserve in an accounting format established by the director records of all sales made by the dispensary and such other books or accounts as may be required by the director. Every seller must keep and preserve for a period of three years all such books, invoices and other records. The director shall have the right to inspect all such records at all reasonable times.

SECTION 6 Penalties and interest.

(1) Interest shall be added to the overall tax amount due at the same rate established under ORS [305.220](#) for each month, or fraction of a month, from the time the return to the Oregon Department of Revenue was originally required to be filed by the marijuana retailer to the time of payment.

(2) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS [314.400](#).

(3) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of Revenue.

(4) Taxes, interest and penalties transferred to the city of Myrtle Creek by the Oregon Department of Revenue will be distributed to the city's general fund.

(5) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the

city of the owed amount in accordance with ORS [475B.700](#) to [475B.755](#), any agreement between the Oregon Department of Revenue and the City of Myrtle Creek under ORS [305.620](#) and any applicable administrative rules adopted by the Oregon Department of Revenue.

SECTION 7 Failure to report and remit tax – Determination of tax by director.

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter, the director shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the director shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the director shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the director shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in MCMC [5.25.070](#). If no appeal is filed, the director's determination is final and the amount thereby is immediately due and payable.

SECTION 8 Appeals.

Any seller aggrieved by any decision of the director with respect to the amount of such tax, interest and penalties, if any, may appeal to the city administrator. Any amount found to be due shall be immediately due and payable upon the service of notice.

SECTION 9 Refunds.

(1) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the city under this chapter, it may be refunded as provided in the following subsection (2) of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the director within one year of the date of payment. The claim shall be on forms furnished by the director.

(2) The director shall have 20 calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The director shall notify the claimant in writing of the director's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the director to be a valid claim, in a manner prescribed by the director a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify director of claimant's choice no later than 15 days following the date director mailed the determination. In the event claimant has not notified the director of claimant's choice within the 15-day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided on the claim form.

(3) No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the director acknowledged the validity of the claim.

SECTION 10 Actions to collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the city. Any such tax collected by a seller which has not been paid to the city shall be deemed a debt owed by the seller to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. In lieu of filing an action for the recovery, the city, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the city has complied with the provisions set forth in ORS [697.105](#), in the event the city turns over a delinquent tax account to a collection agency, it may add a reasonable fee to the amount owing, not to exceed the collection fee of the collection agency.

SECTION 11 Violations.

(1) In addition to the penalties provided in MCMC [5.25.050](#), a violation of this chapter is an offense punishable by fine as well as imprisonment as set forth in this code. It is a violation of this chapter for any seller or other person to:

- (a) Fail or refuse to comply as required herein;
- (b) Fail or refuse to furnish any return required to be made;
- (c) Fail or refuse to permit inspection of records;
- (d) Fail or refuse to furnish a supplemental return or other data required by the director;
- (e) Render a false or fraudulent return or claim; or
- (f) Fail, refuse or neglect to remit the tax to the city by the due date.

(2) The remedies provided by this chapter are not exclusive and do not prevent the city from exercising any other remedy available under the law.

(3) The remedies provided by this chapter do not prohibit or restrict the city or other appropriate prosecutor from pursuing criminal charges under state law or city ordinance.

SECTION 12 Confidentiality.

Except as otherwise required by law, it shall be unlawful for the city, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the city under the terms of this chapter. Nothing in this section shall prohibit:

- (1) The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or

- (2) The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
- (3) Presentation of evidence to a court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the director or an appeal from the director for any amount due the city under this chapter; or
- (4) The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
- (5) The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds \$5,000. The city council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS [192.501\(5\)](#).

SECTION 13 Audit of books, records or persons.

The city, for the purpose of determining the correctness of any tax return required, or for the purpose of an estimate of taxes due pursuant to this chapter, may examine or may cause to be examined by an agent or representative designated by the city for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the city limits and be open at any time during regular business hours for examination by the director or an authorized agent of the director. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the director may immediately seek a subpoena from the Myrtle Creek municipal court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts or records for examination.

SECTION 14 Forms and regulations.

The director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

- (1) A form of report on sales and purchases to be supplied to all vendors; and
- (2) The records which sellers providing marijuana are to keep concerning the tax imposed by this chapter.

SECTION 15. Repeal

Ordinance 806, which was adopted May 17, 2016, is hereby repealed in its entirety. Ordinance 813, which was adopted December 5, 2017, is hereby repealed in its entirety.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this ____ day of November 2024.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this ____ day of December 2024.

APPROVED BY THE MAYOR this _____ day of December 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 869**

AN ORDINANCE REPEALING ORDINANCES 688, 739 AND 11-005
PUBLIC CONTRACTING.

WHEREAS, on October 17, 2023, in response to HB 2342 Ordinance 854 Public Contracting was passed and adopted by the Myrtle Creek City Council; and

WHEREAS, the title of Ordinance 854 declared the intent to repeal Ordinances 739 and 11-005; and

WHEREAS, on October 15, 2024, Ordinance 860 Public Contracting was passed and adopted by the Myrtle Creek City Council; and

WHEREAS, Ordinance 860 declared the intent to repeal Ordinances 854; and

WHEREAS, for the sake of clarity Ordinance 688 should be repealed along with Ordinance 854

NOW, THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

That Ordinance 860 is the true and complete text for the Myrtle Creek Municipal Code Public Contracting; and

Section 1. Repeal

Ordinance No. 688, which was adopted on April 15, 1997, is hereby repealed in its entirety.

Ordinance No. 739, which was adopted on May 17, 2005, is hereby repealed in its entirety.

Ordinance No. 11-005, which was adopted on August 16, 2011, is hereby repealed in its entirety.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this ____ day of November 2024.

PASSED BY THE CITY COUNCIL ON THE SECOND READING this ____ day of December 2024.

APPROVED BY THE MAYOR this ____ day of December 2024.

Matthew Hald,
Mayor

ATTEST:

Joanna Bilbrey
City Recorder



Agenda item: Residential Zoning Code Legislative Amendment Planning file 2024-MC001

Meeting Date:	December 3, 2024	Primary Staff Contact:	Lonnie Rainville
Department:	Planning	E-Mail:	lrainville@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Review and approval of Ordinance 870 Legislative Amendments to the Myrtle Creek Residential Zoning Code to comply with requirements set in Oregon House bill 3395.

Staff Recommendation:

Staff recommends approval of Ordinance 870.

Issue Details:

In the 2023 legislative session Oregon House Bill 3395 was passed that required all municipalities with a population greater than 2,500 to amend their zoning ordinance and comprehensive plan to allow duplex units in all residential zones. In 2024 city staff worked with Oregon DLCDC to develop amendments to City Code to comply with House Bill 3395. The Planning Commission held two public hearing on the matter, The first on July 23, 2024 and the second on October 23, 2024. On October 23, 2024, the Planning Commission approved the amendments to City Code and the Comprehensive Plan with the recommendation that City Council adopt the Legislative and Comprehensive Plan Amendments. The amendments modify current code to allow outright duplex housing in all residential zones and also adds additional language for increased middle housing options to R2, medium density, and R3, high density residential zones. Changes are identified in the text of Ordinance 870.

Related City Policies:

Zoning Ordinance 508
MCMC 18.10

MCMC 18.25
MCMC 18.30
MCMC 18.35
MCMC 18.40
MCMC 18.90

Fiscal Impact:

None

Council Options:

Council can approve accept the Planning Commission recommendation and approve Ordinance 870.

Council can refer the matter back to Planning Commission with suggested changes.

Potential Motion:

I make a motion to approve the first reading of Ordinance 870 An ordinance amending Ordinance 508, the Myrtle Creek Zoning Ordinance and Myrtle Creek Municipal Code 18 Zoning to meet the requirements set by Oregon State Housing Bill 3395.

CITY OF MYRTLE CREEK

ORDINANCE NO. 870

An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; Myrtle Creek Municipal Code Section 18 Zoning to Meet Requirements Set by Oregon State House Bill 3395.

WHEREAS, with the passing of State House Bill 3395 certain zoning amendments are required to be made to comply with new zoning regulations; and

WHEREAS, the proposed amendments to Title 18 of the Myrtle Creek Municipal Code (MCMC) and Zoning Ordinance 508 will meet those requirements;

- Amendments to Definitions
 - MCMC 18.10.030 Definitions
- Amendments to R-H Residential Hillside
 - MCMC 18.25.050 Permitted Uses and Structures
 - MCMC 18.25.060 Conditional Uses and Structures
- Amendments to R-1 Low Density Residential
 - MCMC 18.30.030 Permitted Uses and Structures
 - MCMC 18.30.040 Conditional Uses and Structures
 - MCMC 18.30.060 Density
- Amendments to R-2 Medium Density Residential
 - MCMC 18.35.030 Permitted Uses and Structures
 - MCMC 18.35.040 Conditional Uses and Structures
 - MCMC 18.35.060 Density
- Amendments to R-3 High Density Residential
 - MCMC 18.40.030 Permitted Uses and Structures
 - MCMC 18.30.060 Density
- Amendments to Off Street Parking
 - MCMC 18.90.030 Automobile Parking Space Requirements

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on July 23, 2024, and provided an opportunity for public participation in the matter; and

WHEREAS, at the October 22, 2024, Planning Commission Meeting the Planning Commission voted unanimously to move the amendments to City Council with the recommendation to approve; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the

citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

WHEREAS, the City Council, based upon the public hearing on the matter, hereby adopts the proposed legislative amendment, and

NOW, THEREFORE THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION 18.10.030 Definitions

“Apartment” means a portion of a building which is occupied or which is intended or designed to be occupied as an independent dwelling unit and contains separate ~~housekeeping~~ housing facilities for living, sleeping, cooking, and eating. As used in this title, “apartment” refers to a secondary and accessory use of a portion of an otherwise nonresidential building although “apartment,” as it is commonly used, may refer to an individual unit within a multifamily dwelling.

“Cottage cluster” means a grouping of no fewer than four detached housing units per acre with a footprint of no less than 600 square feet each and include a common courtyard.

Duplex. ~~See “Dwelling, two family.”~~ means a building designed or used exclusively for the occupancy of two households living independently of each other and having separate housing facilities for each household, and each unit having separate access.

“Dwelling, single-family” means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family (see “~~Family Household~~”).

~~“Dwelling, two family (duplex)” means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family, and each unit having separate access.~~

“Dwelling unit” means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family and its resident domestic employees with ~~housekeeping~~ housing facilities for sleeping, cooking, and eating.

~~“Family” means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to no more than two additional persons (excluding servants); or a group of not more than five unrelated persons (excluding servants) living together as one housekeeping unit using one kitchen.~~

“Historic Review Committee” means the Myrtle Creek historic resource review committee.

“Household” means an individual or two or more persons living together as one housing unit using one kitchen and providing meals or lodging to no more than two additional persons or a group of not more than five persons living together as one housing unit using one kitchen.

“Middle housing” means in-between housing — in-between single-family houses and larger multi-family buildings. Middle housing can include townhouses, duplexes, triplex, quadplex, cottage cluster, and ADUs.

“Quadplex” means a four-unit residential structure akin to a duplex or triplex. A quadplex is made up of four separate housing units incorporated into one structure, the units usually share one or two common walls

“Recreational vehicle” means a vehicle which is (1) built on a single chassis; ~~(2) 400-square feet or less when measured at the largest horizontal projection;~~ (3 2) designed to be self-propelled or permanently towable by a light duty truck; and (4 3) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~“Review committee” means the Myrtle Creek historic resource review committee.~~

“Townhouse” means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and share at least one common wall with an adjacent unit.

“Triplex” means a three-unit residential structure, akin to a duplex or fourplex. A triplex is made up of three separate housing units incorporated into one structure, the units usually share one or two common walls.

SECTION 18.25.050 Permitted Uses and Structures

The following uses and structures and similar uses and structures are permitted outright upon site review approval:

(1) Dwelling, single-family

(2) Duplex

(3 2) Residential home.

(4 3) All uses and structures customarily accessory to permitted uses subject to the “limitations and exceptions” set forth in Chapter 18.75 MCMC.

SECTION 18.25.060 Conditional Uses and Structures

The following uses and structures and similar uses and structures may be permitted as a conditional use subject to the procedures of Chapter 18.170 MCMC, whereupon, (1) a conditional use permit may be granted when the criteria for approval are met or can be met by observance of conditions; or (2) a conditional use permit may be denied if the findings of fact conclude that the permit criteria cannot be met:

(1) Child day care facilities (see MCMC 18.75.050).

(2) Church.

(3) Community building.

~~(4) Duplex.~~

~~(5) 4~~ Home instruction classes (see MCMC 18.75.060).

~~(6) 5~~ Planned development/residential (subject to the approval criteria set forth in Chapter 18.130 MCMC).

~~(7) 6~~ Preschool/kindergarten/nursery school. [Ord. 508 § 3.01.5, 1982].

SECTION 18.30.030 Permitted Uses and Structures

The following uses and structures are permitted outright:

(1) Dwelling, single-family.

(2) Duplex

~~(2) 3~~ Residential home.

~~(3) 4~~ All uses and structures customarily accessory to permitted uses subject to the “limitations and exceptions” set forth in Chapter 18.75 MCMC.

~~(4) 5~~ Child care and other home occupations (see MCMC 18.75.040). [Ord. 508 § 3.02.2, 1982].

SECTION 18.30.040 Conditional Uses and Structures

The following uses and structures and similar uses and structures are permitted as a conditional use subject to the procedures of Chapter 18.170 MCMC, whereupon, (1) a conditional use permit may be granted when the criteria for approval are met or can be met by observance of conditions; or (2) a conditional use permit may be denied if the findings of fact conclude that the permit criteria cannot be met:

(1) Child day care facilities (see MCMC 18.75.050).

(2) Community building.

(3) Church.

~~(4) Duplex.~~

~~(5) Golf course or driving range.~~

(6 4) Home instruction classes (see MCMC 18.75.060).

(7 5) Planned development/residential subject to the approval criteria set forth in Chapter 18.130 MCMC.

(8 6) Preschool/kindergarten/nursery school. [Ord. 508 § 3.02.3, 1982].

SECTION 18.30.060 Density.

The residential density shall be a maximum of five units (**Duplexes count as one unit**) per gross acre but in no case less than 5,400 square feet per unit (net). [Ord. 508 § 3.02.5, 1982].

SECTION 18.35.030 Permitted Uses and Structures

The following uses and structures are permitted outright:

(1) Apartments (as a secondary use; defined in Chapter 18.10 MCMC).

(2) Boarding, lodging, rooming house.

(3) Child care and other home occupations; see MCMC 18.75.040.

~~(4) Duplex.~~

(5 4) Dwelling, Multi-family

(6 5) Dwelling, single-family.

(6) Middle housing.

(7) Mobile home park subject to the conditions, limitations, construction and dimensional standards specified in Chapter 18.120 MCMC.

(8) Residential home.

(9) Retirement home.

(10) All uses and structures customarily accessory to permitted uses subject to the “limitations and exceptions” set forth in Chapter 18.75 MCMC. [Ord. 508 § 3.03.2, 1982].

SECTION 18.35.040 Conditional Uses and Structures

The following uses and structures and similar uses and structures are permitted as a conditional use subject to the procedures of Chapter 18.170 MCMC, whereupon, (1) a conditional use permit may be granted when the criteria for approval are met or can be met by observance of conditions; or (2) a conditional use permit may be denied if the findings of fact conclude that the permit criteria cannot be met:

(1) Child day care facilities (see MCMC 18.75.050).

(2) Church.

(3) Community building.

~~(4) Golf course and driving range.~~

~~(5) 4~~ Home instruction classes (see MCMC 18.75.060).

~~(6) 5~~ Nursing home/rest home/convalescent home.

~~(7) 6~~ Planned development/residential subject to the approval criteria set forth in Chapter 18.130 MCMC.

~~(8) 7~~ Preschool/nursery school/kindergarten.

~~(9) 8~~ Religious quarters. [Ord. 508 § 3.03.3, 1982].

SECTION 18.35.060 Density

The residential density shall be a maximum of 10 units (**Duplex will be considered one unit**) per gross acre but in no case less than 3,000 square feet per unit. [Ord. 508 § 3.03.5, 1982].

SECTION 18.40.030 Permitted Uses and Structures

The following uses and structures are permitted outright:

(1) Apartments (as a secondary use as defined in Chapter 18.10 MCMC).

(2) Boarding, lodging, rooming house.

(3) Child care and other home occupations (see MCMC 18.75.040).

(4) Child day care facilities (see MCMC 18.75.050).

~~(5) Duplex.~~

~~(6) 5) Dwelling, multi-family~~

~~(7) 6) Dwelling, single-family.~~

(7) Middle housing.

(8) Nursing home/rest home/convalescent home.

(9) Preschool/nursery school/kindergarten.

(10) Religious quarters.

(11) Residential home.

(12) Retirement home.

(13) All uses and structures customarily accessory to permitted uses subject to the “limitations and exceptions” as set forth in Chapter 18.75 MCMC. [Ord. 508 § 3.04.2, 1982].

SECTION 18.40.060 Density

The residential density shall be a maximum of 25 units (duplex will be considered one unit) per gross acre but in no case less than 1,300 square feet per unit (net). [Ord. 508 § 3.04.5, 1982].

SECTION 18.90.030 Automobile Parking Space Requirements

(1) Dwelling and Other Living Facilities.

(a) Apartments as a secondary use: one space per bedroom.

(b) Dwelling, single-family: two spaces per dwelling unit.

(c) Duplex: two spaces total

~~(d)~~ Dwelling, multifamily: two spaces per dwelling unit.

~~(e)~~ Rooming and boarding house: four spaces per five guest accommodations.

~~(f)~~ Nursing home, convalescent home, and sanitarium: one space per two beds for patients.

SEVERABILITY: Should any section, provision, clause, or portion of this Ordinance be declared by Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the parts so declared to be invalid.

PASSED BY THE CITY COUNCIL ON THE FIRST READING THIS ____ DAY OF DECEMBER 2024.

PASSED BY THE CITY COUNCIL ON THE SECOND READING THIS _____ DAY OF DECEMBER 2024.

APPROVED BY THE MAYOR THIS _____ DAY OF DECEMBER 2024.