



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL

Council Chambers
17 Buchanan Ave. South, Eagle Point, Oregon
October 22, 2013

REGULAR MEETING AGENDA

1. CALL TO ORDER – 7:00 P.M.
2. FLAG SALUTE AND INVOCATION
3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA
4. PRESENTATIONS
5. PUBLIC HEARINGS
6. CONSENT CALENDAR
 - 6.1 Presentation of Regular Meeting Minutes of October 8, 2013.
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PRESENTATION OF BILLS TO BE PAID
9. OLD BUSINESS
 - 9.1 Ordinance No. 2013-04. An Ordinance repealing and replacing Ordinance No. 2013-03, and amending the Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement.

If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).

City Council Agenda

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- 9.2 Ordinance No. 2013-05. An Ordinance adopting a Traffic Diversion Program (Traffic School) for certain Traffic Violations for the Eagle Point Municipal Court.

10. NEW BUSINESS

- 10.1 Resolution No. 2013-56. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with Dan Horton, Architect, for Site Planning of the Old Fire Station.
- 10.2 Resolution No. 2013-57. A Resolution approving a Jackson County Order to Initiate Formation of a Jackson County Agricultural Extension Service District and Consenting to the Inclusion of City Territory within the Boundaries of the District.
- 10.3 Resolution No. 2013-58. A Resolution approving a Jackson County Order to Initiate Formation of a Jackson County Library Special District and Consenting to the Inclusion of City Territory within the Boundaries of the District.
- 10.4 Resolution No. 2013-59. A Resolution approving a Collective Bargaining Agreement between the City of Eagle Point, Oregon and Teamsters Local 223 (Police Unit) effective July 1, 2013 – June 30, 2016.
- 10.5 Resolution No. 2013-60. A Resolution adopting an Economic Development Strategy.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

12. STAFF REPORTS

- 12.1 Financial Department Report.
- 12.2 Planning Department Report.
- 12.3 Police Department Report.
- 12.4 Public Works Department Report.

13. INFORMATION

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

15. ADJOURN

AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

OCTOBER 8, 2013

REGULAR MEETING MINUTES

1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Wayne Brown, Bill Fierke, Ruth Jenks, and Aaron Prunty.

Council Members Absent: Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Melissa Owens, Finance Officer; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Judge Blackhurst; Jerry Zieman, Budget Committee Member; Suzi Collins and Millie Wewerka, Planning Commissioners; and members of the public.

2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Jerry Zieman provided the invocation.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

There were no audience questions or comments.

4. PRESENTATIONS

5. PUBLIC HEARINGS

There were no public hearings.

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6. CONSENT CALENDAR

6.1 Presentation of Special Study Session Meeting Minutes of September 24, 2013.

6.2 Presentation of Regular Meeting Minutes of September 24, 2013.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Brown seconded the motion. There was no discussion. Roll call: Aaron Prunty, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Bob Russell, aye; and Kathy Sell, absent. The motion passed unanimously by those present.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were any questions about the bills to be paid including the Additional Bills List (Submission No. 1). There was a brief discussion regarding the payment to Emergency Communications of Southern Oregon (EC SO) for dispatch services. Councilor Bilden moved to approve the Bills to be Paid including the Additional Bills List in the amount of \$23,330.26. Councilor Jenks seconded the motion. There was no further discussion. Roll call: Bill Fierke, aye; Aaron Prunty, aye; Wayne Brown, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Bob Russell, aye; and Kathy Sell, absent. The motion passed unanimously by those present.

9. OLD BUSINESS

9.1 Transit Survey Subcommittee Selection – Mike Upston, Planning Director.

Mike Upston, Planning Director, discussed options for moving forward with the Transit Survey and involvement by City Council. A variety of options were discussed such as: working with students from Southern Oregon University; piggy backing onto Rogue Valley Transit District's (RVTD's) survey; using a local consultant; or independently conducting a separate survey via telephone, in person or mailing. Discussion followed about the details of writing survey questions and laying out costs, taxpayer support and the chance of success on the ballot. The next step was for City staff to meet with SOU students to outline the project. Councilors Jenks and Prunty requested to be involved with the Transit Survey process. Council President Fierke was interested but would not be available. It was noted that Councilor Sell may want to be involved as well. Mr. Lawrence briefly spoke about public meeting noticing requirements and he had conferred with City Attorney Kellerman. Councilor participation with the stakeholder group would not be as a formal subcommittee of the Council or subject to public meeting requirements.

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10. NEW BUSINESS

- 10.1 Discussion regarding Transportation Grant Funding Opportunities – Robert Miller, Public Works Director.

Robert Miller, Public Works Director, announced the Linn Road Streetscape Project was recently approved and acknowledged the team effort. Mayor Russell congratulated Mr. Miller on the award, which is the largest award made to Eagle Point.

Rogue Valley Council of Governments (RVCOG) recently put out a “call for projects” or applications for Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Surface Transportation Program (STP) funds. In addition, *ConnectOregon V* funds through the State of Oregon may be available. Mr. Miller discussed the possibility of street projects (Submission No. 2). One project near Stevens Road and Robert Trent Jones Road (Submission No. 3) included bike and pedestrian use as well as addressing drainage in the area. Another project considered was improvements to the Little Butte Creek Path (Submission No. 4), including purchase of right of way. Mr. Miller also discussed financial matches by the City and related costs and obligations if awarded. Discussion ensued about safe routes to school and enhancing Eagle Point’s livability. Additional discussions focused on the Arrowhead Trail Extension, Royal Avenue, bridges and replacement. It was mentioned that the Lava Street extension cost was inaccurate and based off of an old report.

Mr. Miller noted there had been several other agencies with previous unsuccessful applications that may be closer to being ready for these funding opportunities. However, presenting Eagle Point’s requests, even if not awarded this year, would bring awareness of the projects which may be beneficial with future applications. Mr. Miller sought the Council’s direction and they expressed support of applying for the projects.

- 10.2 Resolution No. 2013-55. A Resolution adopting a Traffic Diversion Program (Traffic School) for certain Traffic Violations for the Eagle Point Municipal Court.

Melissa Owens, Finance Officer, provided an overview of the Resolution and the proposed Traffic School. One objective of the proposed Traffic School is to establish safer driving through education. Ms. Owens provided a copy of the proposed Traffic School Agreement (Submission No. 5). Two eligibility areas were in the Agreement but not in the Resolution. The first is a stipulation that the driver had not received a ticket in the previous three years. The other is a specific list of ineligible and more serious offenses. Drivers with a Commercial Driver License (CDL) are not eligible.

Eagle Point’s Municipal Court Judge, John Blackhurst, spoke in support of the traffic school, noting the Court was routinely asked about the availability of a traffic

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school in Eagle Point. However, minor revisions and adjustments were suggested for the Resolution or Ordinance. Discussions continued which addressed non-moving violations, multiple charges, differences between fines and fees, and retaining flexibility for the Judge to administer the Court. Exclusion of drivers with a Commercial Driver License was discussed in greater detail. Following discussions, staff agreed to rewrite a document, Resolution or Ordinance, for Council's approval at an upcoming meeting.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Council President Fierke announced the School Board would meet on the following night and the District's Safety Committee meeting was being held simultaneously with the Council meeting. Guns and other safety and security items were on the Safety Committee meeting agenda. Additionally, Council President Fierke attended a *Mayors United* fund raising event by ACCESS (The Community Action Agency of Jackson County), on behalf of Mayor Russell. He also reported discussions with Central Point's Mayor about Water System Development Charges. Lastly, he attended the Auditor's exit interview at the City which reflected positively on the City. An audit report will be available within the next four to six weeks.

Councilor Bilden reported on the League of Oregon Cities (LOC) annual conference and board meeting. The Board discussed changes to the Cost-of-Living Adjustment (COLA), business taxes, genetically modified organisms (GMOs), the future of marijuana in the State, property taxes, and compression rates. While the conference was enjoyable, branding or labeling of a city is a topic Councilor Bilden would like to discuss further. With regard to Southern Oregon Regional Economic Development Inc. (SOREDI), their Board met earlier in the day. They had a clean audit, and discussed transportation and taxation. Through SOREDI, Councilor Bilden is working with a group from the Governor's office on economic development. Regarding Eagle Point's Economic Development Commission, a strategic plan will be presented to the Council in the near future.

Councilor Jenks did not provide a report but mentioned the Rogue Valley Area Commission on Transportation (RVACT) awards selection process and ranking of projects by the Oregon Department of Transportation (ODOT).

Councilor Prunty reported attending the LOC conference, as well as the Mayors ACCESS dinner. Additionally, the Parks and Recreation Commission had not met due to lack of a quorum, mainly attributable to a conflicting School District meeting. The next Parks and Recreation Commission meeting is scheduled on November 15.

Councilor Brown reported attending the LOC conference. While he knows a lot of people throughout the state, he commented that he always learns something new at the LOC conferences. He recommended attending the annual conference and noted most other agencies are "in the same boat".

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Mayor Russell also reported attending the LOC conference. Next, he presented the City with a LOC Gold Safety Award, which was awarded during the conference. Additionally, he added to Councilor Bilden's statement about branding, and what sets Eagle Point apart from other cities. Upcoming events include the Eagle Point and Upper Rogue Chamber of Commerce dinner for the Volunteer of the Year Award. It was noted that the event was sold out and Commissioners Skundrick and Briedenthal planned to attend the dinner.

12. STAFF REPORTS

Mike Upston, Planning Director, reported the Economic Development Commission had met the night before and he would bring their strategic plan to the Council's meeting on October 22. Earlier in the day, he spoke to the Rotary Club of Eagle Point and attended their breakfast meeting. Mr. Upston reported on future meetings about the old Fire Station property, transportation survey project, and an activity update at the Planning Commission meeting (October 15). Additionally, October is Community Planning Month and although no special events are currently scheduled, there may be activities next year. A brief discussion followed about the flower beds around City Hall.

Melissa Owens, Finance Officer, reported Eagle Point had planned to attend the one stop financing event in Roseburg; however, attendance was postponed due to Rural Development (Federal) not being able to attend due to the Federal Government shutdown. The next one stop event is scheduled for November 12, and staff plans to attend. As mentioned by Council President Fierke, the Auditors completed an exit interview and there were positive comments. Ms. Owens noted one recommendation regarding insurance was already in place. Within the next four to six weeks, the final audit report will be presented to the Council and the comprehensive annual financial report will be available. Ms. Owens reported the accounting assistant, Claricia Farney, was doing a good job, and had endured the audit as well as the backlog of projects. On a final note, Ms. Owens announced the School Resource Officer had been involved with the traffic school, which could result in grants being available to the School District.

Robert Miller, Public Works Director, announced the kick off of the Mattie Brown Park project and paving should be completed within three weeks. He also reported on the gazebo and is monitoring progress. With regard to chip sealing on Crystal Drive, the low bidder postponed their work until next spring due to cooler weather. However, work on North Shasta and Neva Street is planned within the month.

Police Chief Thompson reported the new officer is halfway through the academy. Training is scheduled for the Digital Imaging Management System (DIMS) and cameras will be ready at the end of October. Regarding the Radar Reader Board, it appears to be well received. Police Chief Thompson also reported the *Mail Tribune* had contacted him about the Radar Reader Board, and there may be an upcoming news article. A brief discussion followed.

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Joe Kellerman, City Attorney, provided an update about the recent Dangerous Buildings, and correspondence with the banks. He also reported on the Whittle property transaction which is in escrow.

Henry Lawrence, City Administrator, reported on negotiations and a tentative agreement with the police union. In the near future, Mr. Lawrence will meet with Dan Horton about architectural services related to the old Fire Station property. Upcoming agenda items include: Police Union Agreement, contract with Horton Architecture, Library Special District, Extension Service District, revised Precious Metals Ordinance, and revisions for the Traffic School.

Cindy Hughes, City Recorder, did not provide a report.

13. INFORMATION

There were no information items to discuss.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing..

At 8:47 p.m., Mayor Russell opened the Eagle Point City Council Executive Session pursuant to ORS 192.660(2)(i). Following discussion, Mayor Russell closed the Executive Session at 9:02 p.m.

15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:03 p.m.

Respectfully submitted,

Cindy Hughes, City Recorder

ATTEST:

Robert E. Russell, Mayor

BILL LIST
10/22/2013

<u>CHECK #</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	BARY KAISER SURVEYING	BOUNDARY SURVEYS - LUCAS PARK	\$ 4,270.00
	BUD'S TRACTOR SERVICE	MOWING/WEED/DITCH CLEANING-BUTTE CRK WALK	\$ 265.00
	CHARTER COMMUNICATIONS	UTILITY	\$ 37.22
333329	CITY OF ASHLAND	TRAVEL/TRAINING	\$ 85.00
	DCBS FISCAL SERVICES	BUILDING CODES DIVISION JULY, AUG, SEPT	\$ 2,911.97
	EMPLOYMENT RELATIONS BOARD	MEDIATION FEE - POLICE	\$ 500.00
	GOMEZ YARD SERVICES	DITCH CLEANING - BUCHANAN	\$ 175.00
	GRABOWSKI PAVING	ASPHALT PATCHING- N SHASTA	\$ 8,132.00
	HAYS OIL COMPANY	FULE/DIESEL	\$ 1,505.20
	HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P	CITY ATTORNEY	\$ 3,804.00
	HUNTER COMMUNICATIONS	UTILITY	\$ 604.95
	MT SHASTA SPRING WATER	SUPPLIES	\$ 38.50
	NEILSON RESEARCH CORPORATION	WATER TESTING	\$ 595.00
	PACIFIC OFFICE AUTOMATION	CANON COPIER=JUNE, JULY, AUG	\$ 1,088.44
	PERSONNEL SOURCE	TEMP SERV - COED ENF, PW, HAR, MUS	\$ 1,226.72
	PITNEY BOWES PURCHASE POWER	POSTAGE	\$ 2,000.00
	REGION 5 TRAINING COUNCIL	TRAVEL/TRAINING	\$ 260.00
	SAN DIEGO POLICE EQUIP CO INC	SUPPLIES	\$ 477.80
	TEKMANAGEMENT, INC	COMPUTER SUPPORT	\$ 371.09
	THE RADAR SHOP	EQUIPMENT REPAIR	\$ 354.00
	TYLER TECHNOLOGY	COMPUTER SUPPORT	\$ 5,785.13
	US BANK	CITY PURCHASE CARDS	\$ 6,481.94
	US CELLULAR	UTILITY	\$ 555.32
	VALLEY FEED & PET SUPPLY	SUPPLIES	\$ 25.50
	VERIZON WIRELESS	UTILITY	\$ 240.08
			<u>\$ 41,789.86</u>
	<u>REFUNDS</u>		
33310	AYALA LAZARO		\$ 30.21
33311	BAKER LINDA		\$ 5.77
33318	MAGEL LORI		\$ 97.85
	SUBTOTAL		<u>\$ 133.83</u>
	TOTAL		<u>\$ 41,923.69</u>

**BUSINESS OF THE CITY COUNCIL
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 9.1
Meeting Date: September 24, 2013

ITEM TITLE: Ordinance No. 2013-04. An Ordinance repealing and replacing Ordinance No. 2013-03, and amending the Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement.


SUBMITTED BY: Vern Thompson, Chief of Police (541) 826-9171.

SUMMARY EXPLANATION: On September 24, 2013, Ordinance No. 2013-03 was adopted to add a new Chapter 9.09, regulating precious metal and gem dealers. Ordinance No. 2013-03 was adopted due to a rising incidence of theft of jewelry, coins, and other objects containing precious metals.

Since that time, City staff has worked closely with the local company that deals with precious metals and determined there should be minor revisions to Exhibit A of the Ordinance. The suggested revisions are redlined and/or highlighted in Attachment No. 1 hereto. One additional requirement of the proposed Ordinance No. 2013-04 is that a photograph will be taken of articles in the dealer's register, which is a current practice of the local company.

Adoption of Ordinance No. 2013-04 repeals and replaces Ordinance No. 2013-03 in its entirety and will assist law enforcement in the fight against crime. Ordinance No. 2013-04 shall become effective thirty (30) days after formal adoption by the City Council.

FINANCIAL IMPACT: None.

APPROVED FOR SUBMITTAL:  10/17/13
Henry Lawrence, City Administrator

STAFF RECOMMENDATION: Staff recommends approval of this item.

BOARD/COMMISSION RECOMMENDATION: N/A

ATTACHMENT: Attachment No. 1 – Redlined and/or Highlighted revisions to Exhibit A of prior Ordinance No. 2013-03.

Attachment No. 1 to Agenda Statement

EXHIBIT A

EAGLE POINT MUNICIPAL CODE TITLE 9 – PUBLIC PEACE AND WELFARE

CHAPTER 9.09 PRECIOUS METAL AND GEM DEALERS; PENALTIES AND ENFORCEMENT

Section 1 – PURPOSE; INTENT.

A. The purpose of this chapter is to provide regulations for certain business activities which present an extraordinary risk in concealing criminal behavior involving the theft of property and its possible resale. The risk is present, despite the best efforts of legitimate dealers in the secondhand market, because of the large volume of goods and materials that are processed in such businesses without systematic identification of the goods and/or persons subject to criminal prosecution. Therefore, this chapter is intended to reduce this type of criminal activity by providing more timely police awareness of such business transactions.

Section 2 – DEFINITIONS.

A. “Acquire” means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales, consignments, memoranda between a pawnbroker or secondhand dealer and a private party seller, leases, trade-ins, loans, abandonments, or any transfer involving a condition of selling the property back at a stipulated price in the future. Notwithstanding the foregoing “acquire” does not include any loans made in compliance with state laws by persons licensed as Pawnbrokers by the State of Oregon for the purpose of making a pawn loan.

B. Precious metal secondhand dealer means:

1. Any person engaged in conducting, managing or carrying on the business of purchasing precious metals and gems from any person not representing a bona fide business, who appears with such article at the dealer’s place of business;

2. “Secondhand dealer” means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that either:

(a) Acquires regulated property on behalf of a business, regardless of where the acquisition occurs, for the purpose of reselling the regulated property; or

(b) Offers for sale regulated property in the City of Eagle Point.

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EXHIBIT A

Excluded from this definition are isolated sales not in the regular course of any business and occasional garage sales held at the same location on less than four days during any thirty-day period.

All secondhand dealers shall be responsible for the acts of their employees, and any violation of this chapter by any employee shall be imputed to the employer and/or secondhand business. The employer and/or secondhand business may suffer any of the penalties provided in this chapter as the result of a violation by an employee.

C. “Peace Officer means a member of the State Police, the Sheriff, a marshal, a municipal police officer or an investigator of the Criminal Justice Division of the Department of Justice of this State.

D. “Proper identification” means a motor vehicle operator’s license, one current United States federal, state or local government-issued identification card that has a photograph of the seller.

E. “Regulated property” means any of the following property which is used or secondhand:

1. Precious metals, including but not limited to: any metal that is valued for its character, rarity, beauty or quality, including gold, silver, platinum or any other metals in any form, whether as a separate item or in combination as a piece of jewelry;

2. Precious gems, including but not limited to: any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other precious or semiprecious gems or stones, whether as a separate item or in combination as a piece of jewelry;

3. Watches and jewelry containing precious metals or precious gems, including but not limited to: rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches;

4. Sterling silver, including but not limited to: flatware, candleholders, coffee and tea sets, or ornamental objects;

F. Regulated property does not include any of the following property:

1. Vehicles required to be registered with the Oregon Motor Vehicles Division;

2. Boats required to be certified by the Oregon Marine Board;

3. Furniture; or

4. Refrigerators, stoves, washers, dryers, and other similar major household appliances;

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5. ~~Property that is purchased by a bona fide business for investment purposes, limited to:~~

- (a) Gold bullion bars (0.995 or better);
- (b) Silver bullion bars (0.995 or better);
- (c) All tokens, ~~gold or silver~~ coins, ~~bullion, placer~~, or money, whether commemorative or an actual medium of exchange adopted by a domestic or foreign government as part of its currency whose intrinsic, market or collector value is greater than the apparent legal or face value.

G. “Chief of Police” means the Chief of Police for the City of Eagle Point, Oregon, or his or her duly authorized representative.

Section 3 – LICENSE.

A. It shall be unlawful for any person to transact or cause to be transacted any business without having first obtained a license.

B. All business licenses under this chapter are annual and shall expire on June 30th. The required application and license fee are due on July 1st of each year for the fiscal year commencing with that date and are delinquent on August 1st.

C. Application for a license shall be made upon standard forms issued and kept by the City Recorder or his or her designee. The license shall be issued by the City Administrator or his or her designee on an application conforming to this section. The application shall be signed by and shall list the true name and address of each owner of the business and the address of any premises on which the business maintains its specified merchandise, its office and the records required by this chapter. The application of copy thereof shall be referred to the Chief of Police for investigation preparatory to issuance of license. If it appears from such an investigation or otherwise that a license should not be issued to the applicant, the Chief of Police shall notify the recorder to that effect and shall set forth reasons why, in the Chief of Police’s opinion, the applicant should be denied a license. A copy of the Chief of Police’s report shall be provided to the applicant. The applicant may appeal the finding of the Chief of Police to the City Council. A decision by the Council to deny a license may be appealed in accordance with ORS 34.010 through 34.100.

If any interest in the business changes ownership, or if the location of the business changes, a report of such change shall be delivered to the licensing officer before any further business is transacted and on or before the day on which any such change in ownership or location occurs. Such report shall be in writing and signed by all owners of the business. No person shall own, operate or have any ownership interest in a business regulated by this chapter, or work in such a business as an employee, unless there is a valid current license for the business. The business

ORDINANCE NO. 2013-04 (Revisions Redlined and/or Highlighted)

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license shall be displayed in view of the public inside the place of business. No person shall knowingly submit a false application or report or falsify any record required by this chapter.

D. If any dealer or owner listed on such business license application has a record of conviction of a property crime involving burglary or a theft related crime in the prior five years, he or she will not be eligible for a business license.

E. Upon a conviction, as described in Section 3.D hereof, of any dealer or owner listed on such business license application, the business license shall be revoked for five years.

F. In addition to the penalties provided in Section 7, the City Administrator or his or her designee may suspend a business license, after a conviction for a violation of any of the provisions of this chapter, if he or she finds such violation to be reckless or willful. Such business license may be suspended for a period not to exceed six months upon a finding of such a reckless or willful violation.

G. Failure to comply with any provision of this chapter shall be cause for revocation of a license. The Chief of Police may for cause recommend the revocation of any license granted under this chapter. The recommendation, with reasons therefore, shall be made in writing to the Council. Upon receipt of the written recommendation the Council shall call for a public hearing on said matter and notify the affected licensee. Notice to the licensee shall be in writing and set for the Chief of Police's recommendations and reasons and shall be provided not later than 10 days before the hearing. Witnesses and interested parties may be heard at the hearing. After such hearing, the Council may, in its discretion, revoke the license. Any appeal of the decision of the Council shall be taken in accordance with ORS 34.010 through 34.100.

Section 4 – Dealer register.

A. All secondhand precious metal and gem dealers shall keep a **book** register of all articles and precious metal and gems purchased by the dealer. The register shall contain a full, true and complete description of the subject article including any engraved identifying number, mark or symbol..

B. The register shall show the hour and day the article was received and the amount paid. The register shall include the name, current address, date of birth and signature of the person from whom the purchase is made. In addition, two pieces of identification shall be presented at the time of purchase. At least one piece of identification shall confirm the person's name and date of birth. The type of identification used, such as driver's license, along with its number, shall be listed in the register with the person's name.

C. The register information on a purchase shall be retained by the dealer for a period of not less than one year. At the request of the Chief of Police or his designee, the Chief of Police or his

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designee shall be allowed to review the register and any articles in possession of the dealer and subject to this chapter. Inspection of register and articles shall be during regular business hours.

D. Each article identified in the dealer's register shall be identified in the register with a number, letter or symbol. The article itself, while it is in the possession of the dealer, shall be identified by placing that number, letter or symbol on the article. A photograph of the article(s) shall be taken.

Section 5 - Dealer report and holding of article.

A. All secondhand precious metal and gem dealers shall utilize the city's electronic reporting system (leadsonline.com) to make an electronic report and the report shall be a full, true and complete report of all articles, wares, merchandise, or things acquired. ~~whether or not the property is new or used.~~ The dealer shall report the sale within twenty-four hours, excluding weekends.

No secondhand precious metal and gem dealer shall be required to furnish a description of property purchased from manufacturers or wholesale dealers having an established place of business or of a purchase or purchases in the open market or secured from a person doing business and having an established place of business in the city, but such goods shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to the Chief of Police or a member of the police department upon written order of the Chief of Police.

B. Each article, subject to this chapter shall not be sold or otherwise disposed of for a period of fifteen days from date of purchase. Notwithstanding this requirement, the Chief of Police or his designee may authorize, in cases in which it is shown that extreme financial hardship will result from holding an article for the fifteen -day period, the sale or transfer of such article before the expiration of this period. Any authorization to sell an article prior to the expiration of fifteen days shall be in writing.

C. Whenever the Chief of Police, or his designee, upon reasonable belief that an article is the subject of a theft, notifies in writing any secondhand precious metal or gem dealer not to dispose of any specifically described article, the article shall be retained in substantially the same form and shall not be sold, exchanged, dismantled or otherwise disposed of for a period of time, not to exceed 30 days as determined by the chief or his designee.

If the secondhand dealer acquires regulated property with serial numbers, personalized inscriptions or initials, other identifying marks which are or have been altered, obliterated, removed, or otherwise rendered illegible, the second hand dealer shall hold such regulated property on the business premise for a period of 90 full days after the acquisition. The secondhand dealer shall maintain such acquired property in substantially the same form as

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purchased and shall not comingle the regulated property so as to preclude identification during this ninety-day holding period.

Section 6 – Severability.

A. If any provision of this chapter is declared invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected.

Section 7 – Penalty.

A. Whoever violates or fails to comply with any of the provisions of this ordinance shall be fined five hundred dollars (\$500) for a first violation.

B. For a second violation, a person shall be fined not more than one thousand dollars (\$1000). In addition, the City Administrator or his or her designee may suspend the secondhand precious metal and gem dealer's license for a period not to exceed thirty days.

C. For a subsequent violation, a person shall be fined not more than one thousand dollars (\$1000). In addition, the City Administrator or his or her designee may suspend the secondhand precious metal and gem dealer's license for a period not to exceed six months.

ORDINANCE NO. 2013-04

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2013-03, AND AMENDING THE EAGLE POINT MUNICIPAL CODE, TITLE 9 – PUBLIC PEACE AND WELFARE, TO ADD A NEW CHAPTER 9.09 - PRECIOUS METAL AND GEM DEALERS; PENALTIES AND ENFORCEMENT.

WHEREAS, on September 24, 2013, Ordinance No. 2013-03 was adopted to add a new Chapter 9.09, regulating precious metal and gem dealers; and

WHEREAS, Ordinance No. 2013-03 was adopted due to a rising incidence of theft of jewelry, coins, and other objects containing precious metals; and

WHEREAS, since Ordinance No. 2013-03 was adopted, it has been determined that revisions to Exhibit A of Ordinance No. 2013-03 are necessary; and

WHEREAS, Exhibit A attached hereto reflects the necessary revisions referenced above, including one additional requirement for a photograph to be taken of articles in the dealer's register; and

WHEREAS, repealing and replacing Ordinance No. 2013-03 with Ordinance No. 2013-04 is in the best interest of the citizens and visitors to the City of Eagle Point, and will assist law enforcement in the fight against crime.

Now, therefore,

THE CITY OF EAGLE POINT, OREGON, ORDAINS AS FOLLOWS:

1. Ordinance No. 2013-03 adopted on September 24, 2013, is hereby repealed and replaced in its entirety by Ordinance No. 2013-04.
2. The City of Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, is hereby amended to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement (Exhibit A).
3. This Ordinance shall become effective thirty (30) days after formal adoption by the City Council.

ADOPTED by Council and signed by me in authentication of its adoption this 22nd day of October, 2013.

CITY OF EAGLE POINT

Robert E. Russell, Mayor

ATTEST:

Cindy Hughes, City Recorder