

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 ORDINANCE # 313

4
5 **Relating to fees; amending LCC 1.1220, 2.055, 2.425, 2.705, 3.030, 3.055, 4.035, 4.115,**
6 **4.210, 6.205, 6.210, 6.360, 6.615, 6.730, 7.505 and 7.750; repealing LCC 6.715, 6.720,**
7 **6.725 and 6.735; and declaring an emergency.**

8 The Lincoln County Board of Commissioners ordains as follows:

9 **SECTION 1.**

10 Lincoln County Code section 1.1220 is amended to read:

11 **1.1220 Fees**

12 (1) For the purpose of defraying the cost of processing applications, fees shall be
13 paid to the Planning Division upon the filing of an application.

14 (2) A fee schedule for applications provided for in this Chapter shall be set by
15 *[resolution]* order of the Board of Commissioners after review and recommendation by
16 the Planning Commission. An annual review of the fee schedule shall occur during the
17 month of January, with recommendations for changes made by the Department of
18 Planning and Development. The Planning Commission shall consider the proposed
19 changes at a public hearing and, upon conclusion of the hearing, shall make a
20 recommendation regarding the proposed changes to the Board of Commissioners.

21 **SECTION 2.**

22 Lincoln County Code section 2.055 is amended to read:

23 **2.055 Fees**

24 In the enforcement and execution of the provisions of sections 2.015 to 2.050, the
25 sheriff shall charge and collect *[the following]* fees[:]

26 *[(1) \$50 minimum]* for towing, plus additional charged incurred[;], and

1 **[(2) \$5 per day]** for storage. **The fees charged shall be set by order of the**
2 **Board of Commissioners.**

3 **SECTION 3.**

4 Lincoln County Code section 2.425 is amended to read:

5 **2.425 Fees**

6 (1) A fee schedule for applications for permits, licenses, and services provided for
7 in ORS Chapter 454 shall be set by *[resolution]* **order** of the Board of Commissioners
8 which shall be subject to amendment from time to time. An annual review of the fee
9 schedule shall occur during the month of January with the recommendations for changes
10 made by the Department of Planning and Development. The Board shall consider the
11 proposed changes as a discussion item at an open public meeting at least thirteen (13)
12 days prior to the date of adoption of an *[amended resolution]* **order** changing the fee
13 schedule.

14 (2) The fee schedule shall also include fees for renewals, evaluation reports and
15 feasibility soils and studies.

16 **SECTION 4.**

17 Lincoln County Code section 2.705 is amended to read:

18 **2.705 Fees**

19 As provided in ORS chapter 609, fees shall be collected by the county clerk,
20 animal control officer, and operator of the county animal shelter in *[accordance with an*
21 *order of the Board made and entered during the last session of the Lincoln County Board*
22 *of Commissioners covering the following calendar year]* **amounts set by order of the**
23 **Board of Commissioners.**

24 *//////*

25 *//////*

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 2208

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SECTION 5.

Lincoln County Code section 3.030 is amended to read:

3.030 Fees

Fees for permits issued pursuant to this chapter shall be as provided in the Oregon [State] Building Code. Fees for inspection of mechanical equipment shall be as provided in the Oregon Mechanical Specialty Code.

SECTION 6.

Lincoln County Code section 3.055 is amended to read:

3.055 Fees

Repealed

Fees for mobile home placement permits and mobile home accessory building or structure shall be as provided by the Oregon [State Department of Commerce] Building Codes Agency, except that a double fee may be charged by the building official if installation or construction is commenced without a permit.

SECTION 7.

Lincoln County Code section 4.035 is amended to read:

4.035 Fees

The fee for an annual license issued pursuant to section 4.015 shall be [*\$15 per annum*] in an amount set by order of the Board of Commissioners.

SECTION 8.

Lincoln County Code section 4.115 is amended to read:

4.115 Permit Application and Fee

[(1)] Application for an entertainment assembly permit shall be written and submitted to the clerk 30 or more days prior to the first day upon which each entertainment assembly is to be held. The application shall be signed and verified before a notary public by the person over 21 years of age who is organizing and sponsoring said

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1 assembly. Each application shall include:

2 **[(a)] (1)** The name of all persons organizing, promoting, or sponsoring said
3 assembly;

4 **[(b)] (2)** The dates, number of days, and the hours of the days of assembly;

5 **[(c)] (3)** The location to be used for the assembly;

6 **[(d)] (4)** A statement that the applicant will abide by all provisions of this chapter
7 and the terms of the permit, if issued;

8 **[(e)] (5)** A written plan and plat showing the applicant's compliance with the
9 standards set forth in section 4.120 with the type and number of sanitary, medical, fire,
10 and public safety facilities and personnel;

11 **[(f)] (6)** Proof of liability insurance providing for a minimum of \$100,000 bodily
12 injury coverage per person; \$300,000 bodily injury coverage per occurrence; and,
13 \$100,000 property damage coverage, naming the county as an additional insured. A bond
14 or other security acceptable to the Board to ensure compliance with sections 4.105 to
15 4.160 and the terms of the permit shall be in the following amounts:

16 **[(A)] (a)** \$5,000 for entertainment assemblies with anticipated attendance of 2,000,
17 or less;

18 **[(B)] (b)** \$10,000 for entertainment assemblies with anticipated attendance of
19 2,000 to 5,000;

20 **[(C)] (c)** \$20,000 for entertainment assemblies with anticipated attendance of over
21 5,000;

22 **[(g)] (7)** Consent allowing law enforcement, public health, and fire control officers
23 to come upon the premises for the purpose of inspection and enforcement of the terms
24 and conditions of the permit and sections 4.105 to 4.160[.]; and

25 **[(2)]** *The \$100 fee shall accompany the application.*

1 (8) An application fee in an amount set by order of the Board of
2 Commissioners.

3 **SECTION 9.**

4 Lincoln County Code section 4.210 is amended to read:

5 **4.210 Fees**

6 Every applicant for a liquor license whose license is referred to Lincoln County
7 for recommendation by the Oregon *[State]* Liquor Control Commission shall pay *[the*
8 *following fees]* a fee to the county clerk~~[:]~~ in an amount set by order of the Board of
9 Commissioners.

10 *[(1) Package Store License \$ 12.50]*

11 *[(2) All other licenses 25.00]*

12 **SECTION 10.**

13 Lincoln County Code section 6.205 is amended to read:

14 **6.205 Petition for Vacation of Public Road [Proceeding]**

15 A petition for vacation of a public road as provided in ORS chapter 368 shall be
16 accompanied by a filing fee *[in the sum of \$150]* paid to the county clerk in an amount
17 set by order of the Board of Commissioners.

18 **SECTION 11.**

19 Lincoln County Code section 6.210 is amended to read:

20 **6.210 Petition for Vacation [and] or Decrease in Width of County [Roads] Road**

21 A petition for vacation or decrease in the width of a county road as provided in
22 ORS chapter 368 shall be accompanied by a filing fee *[in the sum of \$150]* paid to the
23 county clerk in an amount set by order of the Board of Commissioners.

24 *////*

25 *////*

1 **SECTION 12.**

2 Lincoln County Code section 6.615 is amended to read:

3 **6.615 Petition for Way of Necessity**

4 A petition for way of necessity on forms provided by Lincoln County shall be
5 submitted by petitioner and accompanied by a filing fee *[in the amount of \$150]* paid to
6 the County Clerk **in an amount set by order of the Board of Commissioners.**
7 Additionally, a bond or other security acceptable to the county, in *[the amount of \$1000]*
8 **an amount set by order of the Board of Commissioners,** shall be paid or provided to
9 the county. Said bond or security shall be a deposit under ORS 376.165 to cover
10 expenses. Payment of the bond shall not relieve petitioner of the responsibility to pay the
11 full costs incurred by county in the procedures for a way of necessity under ORS 376.175.
12 If the costs exceed the *[\$1000]* bond or security, petitioner must pay the additional costs
13 before the way of necessity shall become effective. If the costs are less than *[\$1000]* the
14 **bond or security,** petitioner shall be entitled to a refund by order of the Board of
15 Commissioners.

16 **SECTION 13.**

17 Lincoln County Code section 6.730 is amended to read:

18 **6.730 Establishment of Public Land Corner Preservation Fund.**

19 **Pursuant to ORS 203.148(1),** the County Treasurer shall establish a fund for
20 Lincoln County *[which shall be]* known as the **Public Land Corner Preservation Fund,**
21 **which shall be separate and apart from other funds of the County.** Revenues for
22 **this fund shall come from fees charged pursuant to ORS 203.148(2) and Order of the**
23 **Board of Commissioners.** Appropriations in this fund shall be used only as permitted
24 **by ORS 203.148(1)** *[to pay expenses incurred and authorized by the County Surveyor in*
25 *the establishment, reestablishment and maintenance of corners of government surveys*
26

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted.

1 *pursuant to ORS 209.070(5) and (6)]. This section does [Sections 6.715 through 6.735*
2 *do]* not authorize the County Surveyor to incur expenses other than those provided for
3 periodically in the adopted budget of the County. Payment of expenses within the Public
4 Land Corner Preservation Fund will be pursuant to the fiscal policies of the County.

5 **SECTION 14.**

6 Lincoln County Code section 6.360 is amended to read:

7 **6.360 Appeals**

8 Any decision of the engineer under sections 6.305 to 6.360 may be appealed to
9 the Board of Commissioners upon filing a petition for review with the Board and the
10 payment of an appeal fee *[of \$50 with]* in an amount set by order of the Board.

11 **SECTION 15.**

12 Lincoln County Code section 7.505 is amended to read:

13 **7.505 Fees**

14 The Lincoln County Clerk shall collect fees in addition to all other fees required
15 by law which shall be set by *[resolution]* order approved by the Lincoln County Board
16 of Commissioners after review at a public meeting. An annual review of the fee schedule
17 shall thereafter occur during the month of January. The Clerk, Surveyor, and any other
18 county official(s) whose fees are collected by the Clerk may make recommendations for
19 any changes to the fee schedule during the annual review. The Board may consider other
20 changes it deems appropriate. Annual review shall not prohibit further periodic review
21 and updating of the schedule in accordance with law.

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Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 255-6611, Ext. 2308

SECTION 16.

Lincoln County Code section 7.750 is amended to read:

7.750 Fees

(1) Fees shall be charged to cover the administrative costs of processing applications and monitoring compliance with code provisions. The sheriff may propose fee increases to cover increased costs at a maximum of one time per year. **The fees shall be in amounts set by order of the Board of Commissioners.** *[All fee-increase proposals shall be approved by board order to be effective. The fees are initially set at:]*

[ALARM USER PERMIT-----\$25.00]

[ALARM INSTALLER PERMIT-----\$50.00]

[ALARM MONITORING PERMIT-----\$35.00]

(2) Each permit is valid for five years from issuance. Alarm installer and alarm monitoring permits are nontransferable. Alarm-user permits are transferable to new owners of the structure covered by the permit if the new owner fills out and signs an application form required under section 7.720. Failure to file a signed application form shall not waive the penalties prescribed under the public safety code provisions.

(3) All fees collected by the sheriff pursuant to this title shall promptly be forwarded to the county treasurer for deposit in the county general fund.

SECTION 17.

Lincoln County Code sections 6.715, 6.720, 6.725 and 6.735 are repealed.

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SECTION 18.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 30th day of June, 1993.

LINCOLN COUNTY BOARD OF COMMISSIONERS


NANCY E. LEONARD, Chair


JEAN COWAN, Commissioner


DON LINDLY, Commissioner

ATTESTED TO:


SUSAN KAYS, Recorder

APPROVED AS TO FORM:


WAYNE BELMONT, County Counsel

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 2308

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