

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Ordinance)
Amending Article Nine)
of the Curry County Code)

ORDINANCE NO. 05-13

The Board of Curry County Commissioners ordains as follows:

SECTION 1: TITLE

This ordinance shall be known as Ordinance 05-13, an ordinance amending the Curry County Code.

SECTION 2: AUTHORITY

This ordinance is enacted pursuant to ORS 203.035.

SECTION 3: PURPOSE

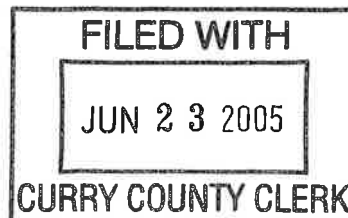
The purpose of this ordinance is to amend Article Nine- Fees of the Curry County Code, to clarify that fees for Curry County will be set by Resolution or Ordinance, not by Order. This is consistent with ORS 294.160(1).

SECTION 4: AMENDMENTS TO ARTICLE NINE OF THE CURRY COUNTY CODE

The following amendments are made to Article Nine of the Curry County Code (Ordinance 96-7 as amended):

A. The former language of Section 9.01.030(1) that reads "All fees shall be established or amended by an order or ordinance approved by the majority of the Board is stricken. New language that reads "All fees shall be established or amended by a resolution or ordinance approved by the majority of the Board" is adopted in its place.

B. The former language of the first clause of Section 9.01.030(2) that reads "Before adopting an order or ordinance establishing or amending fees, ..." is stricken. New language that reads "Before adopting a resolution or ordinance establishing or amending fees, ..." is adopted in its place.



- C. The former language of Section 9.02.010(2) that reads "The amount of the fee shall be set by County Order" is stricken. New language that reads "The amount of the fee shall be set by County resolution or ordinance" is adopted in its place."
- D. The former language of Section 9.030.010(2) that reads "The amount of the fee shall be set by County order" is stricken. New language that reads "The amount of the fee shall be set by County resolution or ordinance" is adopted in its place.
- E. The former language of Section 9.05.040 that reads "A public land corner preservation fund recording fee shall be set by Board order" is stricken. New language that reads "A public land corner preservation fund recording fee shall be set by Board resolution or ordinance" is adopted in its place.
- F. The former first two sentences of Section 9.06.010(1) are stricken. This former language stated "That the County shall adopt by order appropriate fees for the regulation of food service facilities, tourist facilities, and swimming facilities. Further, by order the County shall also establish fees for inspecting day care centers and school cafeterias." New language that reads as follows is adopted in its place: "County shall adopt by resolution or ordinance appropriate fees for the regulation of food service facilities, tourist facilities, and swimming facilities. Further, by resolution or ordinance the County shall also establish fees for inspecting day care centers and school cafeterias, and in doing water/sewage disposal system surveys."

SECTION 5 CODIFICATION

The County Legal Counsel's Office is authorized to codify the above-referenced changes into the text of the Curry County Code.

SECTION 6 SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court or competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 7 EMERGENCY CLAUSE

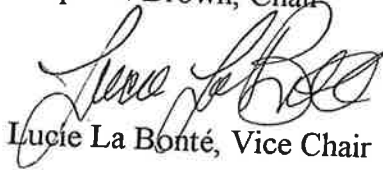
The Board of Commissioners for the County of Curry deems this ordinance necessary for the immediate preservation and protection of the public peace, health, safety and general welfare for Curry County and declares an emergency exists, and this ordinance shall be in full force and effect upon its passage.

ADOPTED this ____ day of June, 2005.

BOARD OF CURRY COUNTY COMMISSIONERS



Ralph H. Brown, Chair

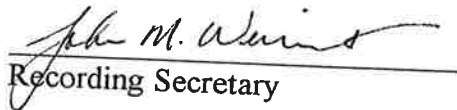


Lucie La Bonté, Vice Chair



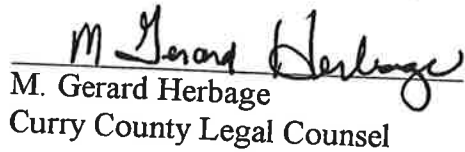
Marlyn Schafer, Commissioner

Attest:



Recording Secretary

Approved as to Form:



M. Gerard Herbage
Curry County Legal Counsel

First Reading: 6-20-05
Second Reading: NONE
Emergency Adoption: YES
Effective Date: 6-20-05

ARTICLE NINE - FEES

DIVISION ONE

PROCEDURE FOR SETTING FEES

SECTION 9.01.010

POLICY AND PURPOSE

The Board of Commissioners finds that:

- (1) Various State statutes and County ordinances provide for different means or are silent as to establishing fees for County services.
- (2) A single procedure for establishing fees is desired and such procedure should encourage public input.

SECTION 9.01.020

EXEMPTIONS

This division does not apply to establishing fees for:

- (1) Public Land Corner Preservation Fund (ORS 203.148)
- (2) Recording Plats (ORS 205.350)
- (3) Marking vacations upon original plat (ORS 271.230)
- (4) Approval of plat by Surveyor (ORS 92.100)
- (5) Filing and indexing a map of a survey with the County Surveyor (ORS 209.260)
- (6) Fees specifically established by State or Federal law
- (7) Public Transit Services
- (8) Such other fees which State or Federal law requires to be set by ordinance.

SECTION 9.01.030

PROCEDURES

Notwithstanding the provision of any other ordinance previously adopted by Curry County, the following procedures shall apply to the establishment or amendment of fees for County services:

- (1) All fees shall be established or amended by an order or ordinance approved by the majority of the Board.
- (2) Before adopting an order or ordinance establishing or amending fees, a public hearing shall be held to allow all interested persons to attend and be heard. Notice of

the hearing shall be given by publication in a newspaper of general circulation in the County at least five (5) days before the public hearing.

(3) In establishing or amending fees, the Board shall consider the cost of service provided and such other factors the Board considers relevant.

(4) If the Board of Commissioners declares an emergency, the Board may adopt an order establishing or amending fees without following the procedures set forth in subsection two (2) through three (3) above.

SECTION 9.01.040 RATIFICATION

All fees the Board previously established or amended by an ordinance, order or resolution are hereby ratified and shall continue in full force and effect until amended pursuant to the procedures of this division.

ARTICLE NINE

DIVISION TWO

FREIGHT HANDLER'S FEE AT THE BROOKINGS STATE AIRPORT

SECTION 9.02.010

FREIGHT HANDLER'S FEE

A freight handler's fee is hereby established at the Brookings State Airport as follows:

- (1) The fee shall apply to each aircraft, each time it lands at the airport, for the purpose of picking up or delivering freight.
- (2) The amount of the fee shall be set by County Order.
- (3) The fee shall be paid to the Curry County Treasurer (the Curry County General Fund) on a monthly basis for freight charges incurred from the first to the last day of each calendar month. Such fees shall be due on the first day following the month in which they were incurred and shall be considered late if not received by the County by the 10th day following the month in which they were incurred.

SECTION 9.02.020

LATE PAYMENTS

Late payments shall be subject to interest at the legal rate plus a penalty of \$10.00.

SECTION 9.02.030

RECORDS

Each freight handler shall maintain its own records of gross weight of aircraft as it relates to this ordinance. Such records shall be available to the County for inspection upon reasonable notice.

ARTICLE NINE

DIVISION THREE TIE DOWN CHARGES AT THE BROOKINGS STATE AIRPORT

SECTION 9.03.010 TIE DOWN FEES

A transient aircraft tie down fee at the Brookings State Airport is hereby established:

(1) A one day fee shall be charged for each day or portion of a day an aircraft is tied down at the Brookings State Airport. However, no fee shall be assessed on a plane which incurs a freight handler's charge on a flight to or from the Brookings State Airport.

(2) The amount of the fee shall be set by county order.

(3) The fee is payable by use of an envelope/collection box system prior to the aircraft leaving the tie down area.

SECTION 9.03.020 FAILURE TO PAY FEE

Any owner, agent of the owner or operator of any transient aircraft who fails to timely pay a tie down fee as required by this ordinance commits an infraction enforceable under Article Ten of this ordinance.

ARTICLE NINE

DIVISION FOUR

RESERVED

ARTICLE NINE

DIVISION FIVE

PUBLIC LAND CORNER PRESERVATION ACCOUNT

SECTION 9.05.010

DEFINITIONS

(1) "Instrument" means:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property;

(b) Certificates of sale or real property under execution or order of court, or assignments thereof or of any interest therein when properly acknowledged or proved; and

(c) Certified copies of death certificates of any person appearing in the County records as owning or having a claim or interest in land in the County.

(2) "County Surveyor" means an individual appointed or elected to the office of Curry County Surveyor and who is responsible for performing the duties of such office as described by law, and it includes the surveyor's designee.

SECTION 9.05.020

PURPOSE

The purpose of this division is to create a fund and to allow a fee to be used to pay expenses incurred and authorized by the County Surveyor in the establishment, reestablishment, and maintenance of corners of government surveys under ORS 209.070 (5) and (6).

SECTION 9.05.030

PUBLIC LAND CORNER PRESERVATION FUND
ESTABLISHED

A public land corner preservation fund is established for the purposes outlined in Section 9.05.020. All moneys collected under this Section shall be deposited with the County Treasurer at least once a month to be credited to the public land corner preservation fund.

SECTION 9.05.040 FEE

A public land corner preservation fund recording fee shall be set by Board order.

ARTICLE NINE

DIVISION SIX

FEES RELATING TO THE REGULATION OF FOOD SERVICE, TOURIST, SWIMMING AND RELATED FACILITIES

SECTION 9.06.010

FEES

- (1) That the County shall adopt by order appropriate fees for the regulation of food service facilities, tourist facilities, and swimming facilities. Further, by order the County shall also establish fees for inspecting day care centers and school cafeterias, and in doing water/sewage disposal system surveys. None of these fees shall exceed the cost of administering the inspection or survey programs.
- (2) That Curry County shall determine the amount of and retain any fee for relevant services undertaken pursuant to ORS Chapters 446, 448, 624, and OAR 333-12-050 through 333-12-065.
- (3) That quarterly, the County shall remit a surcharge to be defined as 15% of the State Licensing Fee or 15% of the County Licensing Fee, whichever is lesser, to the State Health Division for consultation services and maintenance of the State-wide Travelers' Accommodation and Swimming Pool Programs. The County shall also remit to the State Health Division a Biennial Food Service Remittance Fee as calculated by the State Health Divisions' fee remittance process outlined in Oregon Administrative Rule 333-012-0057.

ARTICLE NINE

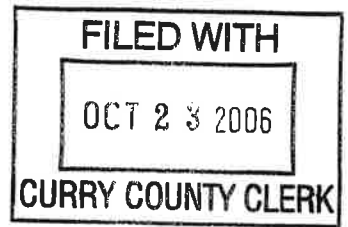
DIVISION SEVEN

BUILDING FEES

SECTION 9.07.010

BUILDING FEE RULES

- (1) Fees charged under this code shall be as provided by the State Building Codes Division, except as otherwise provided for by the Board.
- (2) The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.
- (3) The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment to)
The Curry County Code by Amending)
Article Nine Division One and by)
Adding a New Article Nine Section Eight)
Regarding Plat Fees Charged by the)
Curry County Clerk for Recording)

ORDINANCE NO. 06-07

COPY

The Board of Commissioners for the County of Curry ordains as follows:

SECTION I TITLE

This ordinance shall be known as Ordinance 06-07, an ordinance amending the Curry County Code.

SECTION II FINDINGS

- A. The Curry County Clerk has requested that the Board of Curry County Commissioners update and reestablish recording fees regarding plats and that the Commissioners eliminate any reference to mining fees which were established in a prior order of the Board.
- B. ORS 205.350 provides that fees for County Clerk services in recording plats under ORS 92.090 and ORS 92.100 shall be set by ordinance.
- C. Section 9.01.020 of the Curry County Code should be amended by deleting the recording of plats (ORS 205.350) from the list of exemptions that Article Nine of the Curry County Code does not apply to.
- D. It is appropriate for the Board of Curry County Commissioners to amend the Curry County Code to update the recording fees for plats of the Curry County Clerk.

SECTION III REPEALER

Any fees previously established by the County, including those set forth in Order No. 10002, for the same services outlined in the attached Exhibit "A", that is attached hereto and incorporated by reference, are hereby repealed.

SECTION IV AMENDMENT

Section 9.01.020 of the Curry County Code is amended to delete subsection (2) "Recording of Plats (ORS 205.350)" as an exemption to the application of Article Nine of the Curry County Code.

SECTION V ADOPTION

Exhibit "A", that is attached hereto and incorporated by reference, is adopted as an amendment and an addition to the Curry County Code.

SECTION VI SEVERANCE CLAUSE

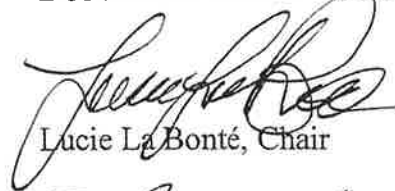
If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance. It is expressly declared that every other section, subsection, provision clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion declared to be unconstitutional or invalid, is valid.

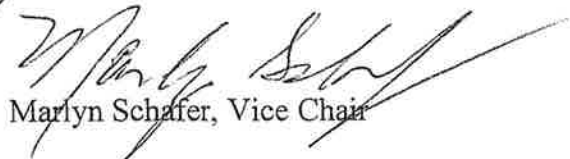
SECTION VII EMERGENCY CLAUSE


This ordinance, being necessary for the health, safety and welfare of the residents of Curry County, and an emergency having been unanimously declared to exist, shall become effective upon its passage.

ADOPTED this 16th day of October, 2006.

BOARD OF CURRY COUNTY COMMISSIONERS


Lucie La Bonté, Chair


Marlyn Schafer, Vice Chair


Ralph H. Brown, Commissioner

Attest:

Linda Elyman
Recording Secretary

First Reading: 9/18/06
Second Reading: 10/2/06
Emergency Adoption: _____
Effective Date: 10/16/06

Exhibit "A"

ARTICLE NINE

DIVISION EIGHT PLAT FEES FOR CLERK SERVICES

SECTION 9.08.010 COUNTY CLERK RECORDING FEES

The following recording fees are hereby established:

- (1) Fees for all plats to be recorded- \$50.00.
- (2) Replats-\$50.00 (Note: This fee is for the plat only; supplemental documents required to be recorded that pertain to plats, will be subject to normal recording fee as set by the Oregon Revised Statutes or other law or regulation.)
- (3) Plats with more than 100 lots- \$1.00 per additional lot. (This fee is in addition to any fee set forth in subsections (1) and (2) above.)
- (4) Vacation of Plat- \$5.00 per page.
- (5) Affidavit of Correction pertaining to any plat- \$5.00 per page.
- (6) The above fees are in addition to the fees required to be charged by ORS 205.323, and the fees charged for the corner preservation fund.