



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON
REGULAR MEETING

July 23, 2019 – 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSENT CALENDAR

- A. City Commission Meeting Minutes – 7.09.19
- B. Fire Department Activity Report – June 2019
- C. Police Department Monthly Statistics – June 2019
- D. Code Enforcement Report – July 8, 2019

4. COMMISSIONER REPORTS

5. PUBLIC COMMENT

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card, and submit to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. PUBLIC HEARINGS

- A. Clear Lake Subdivision Appeal – Deliberation

7. BUSINESS ITEMS

- A. Consideration of License to Occupy – Newton/Williamson
- B. Consideration of Intergovernmental Agreement – Integrated Library System

8. DISCUSSION ITEMS

- A. Presentation – Clatsop County Public Health
- B. RV Camping Permits

9. GOOD OF THE ORDER

10. EXECUTIVE SESSION

Under the authority of ORS 192.660(2)(h); to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation to be filed.

11. ADJOURNMENT

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

3-A

MINUTES
Warrenton City Commission
Regular Meeting – July 9, 2019
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:03 p.m., and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Rick Newton, Tom Dyer, Pam Ackley, and Mark Baldwin

Staff Present: City Manager Linda Engbretson, Finance Director April Clark, Public Works Director Collin Stelzig, Water Treatment Facility Superintendent Bob Bingham, Water Treatment Plant Operator Dave Davis, Police Chief Mathew Workman, Fire Chief Tim Demers, Harbormaster Jane Sweet and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 6.11.19
- B. City Commission Meeting Minutes – 6.25.19

Commissioner Dyer made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

COMMISSIONER REPORTS

Commissioner Newton noted he and Commissioner Ackley attended the RDI/DRT meeting; in his opinion the group is functioning really well and doing a lot under Brenda Hoxsey.

Commissioner Dyer welcomed everyone. He noted he has been ill and now back on his feet.

Commissioner Ackley noted the RDI postcards that were handed out at the water station to inform residents of what the group has been doing. She noted the post cards were handed out to get feedback from residents pertaining to projects they would like to see implemented.

Mayor Balensifer reported on the Oregon Workforce Board. He noted it’s hard to find construction workers; the shortage of workforce is a critical issue. He would like to see more emphasis on trade schools for construction.

Ms. Engbretson requested an addition to the agenda for a Quitclaim Deed for the Hammond Boat Basin; there were no objections to add it to the agenda as item 7-I.

PUBLIC COMMENT

Roxanne Morinville introduced her husband Jim Morinville and spoke in regards to a land use issue at 470 SE Marlin Avenue (Warrenton Kia). Ms. Morinville passed out documents to the Commission, and thanked them for the opportunity to speak. She discussed the property her and her husband purchased, noting the Prior Planning Director retired during their process. She continued to note that they were recently notified it was not signed off on and there is a land use issue. She respectfully requested Commission to direct staff to approve the application as is, with no restrictions.

City Manager, Linda Engbretson, noted they have a meeting scheduled with Mr. Cronin tomorrow.

PUBLIC HEARING – None

BUSINESS ITEMS

Hammond Marina Task Force Members - County Commissioner, Mark Kujala, and Mr. Gerald Poe presented the proposed three phases of improvements for the Hammond Marina. Mr. Kujala discussed the first phase, noting the task force would like to continue on as an advisory committee. He stated a great start to the revitalization efforts would be to start generating revenue and creating awareness. He discussed ways to raise revenue and revitalize the marina. Mr. Poe discussed phase 2; leveling out and graveling the spoils. Noting the area would tie into the Fort Steven's Trails. He discussed the idea for a multipurpose building and the potential uses. He noted that camping brings in the most revenue for the basin, and therefore adding in a designated area for hook ups could potentially increase that revenue. He discussed adding a boardwalk, a boat style fish and chips, and signs that direct people to the marina. Mr. Poe continued discussing Phase 3; which would be set for the years 2025-2035. Phase 3 would suggest replacing all docks (5 Million dollar project). He continued to discuss the suggested upgrades and ideas for the marina. Discussion continued on camping and the revenue received. Mr. Kujala discussed the available funding and funding opportunities for the marina projects. Mr. Poe noted the task force would like to see the revitalization of Hammond and to have a Nantucket design theme. He continued to discuss the current limitations on development in Hammond. Discussion continued on a design theme. Mayor Balensifer suggested a Charrette process for designing the theme. The process would gain public involvement and help develop the vision of the theme. Mr. Jim Dutcher noted Seafarer's Park is on the Parks Board's CIP plan. He suggested having a discussion with the Parks Board to give up the rights to the park; give it to the marina so they can take care of all of it. Commissioner Newton recognized Commissioner Ackley for her involvement and great work on the task force. Commissioner Ackley thanked the entire team and noted it has been a great cohesive group with a lot of ideas to contribute. Mayor Balensifer asked for time to think about the advisory group; he was thinking about creating a marina's committee, a standing committee for both marinas. He will come back with a proposal at the first meeting in August.

Public Works Director, Collin Stelzig, introduced Water Treatment Facility Superintendent, Bob Bingham, and Water Treatment Plant Operator, Dave Davis. Mr. Bingham reported on the filter replacement and stated this is the third filter replacement. The filters at the water treatment plant are required to be replaced this fiscal year. He discussed the contract from Evoqua Water Technologies. He noted the total cost for materials, installation, and shipping is \$941,818.26. Commissioner Newton asked about the labor cost of the installation crew. Mr. Bingham explained the work involved. Commissioner Newton asked for further clarification on the costs involved. Mr. Bingham explained. Ms. Engbretson

MINUTES

Warrenton City Commission

Regular Meeting – 7.09.19

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suggested that the Commission take a trip up to the plant, to get a better perspective. The discussion continued on the labor rates.

Commissioner Newton made the motion to authorize the Mayor's signature on the contract with Evoqua Water Technologies for the purchase of replacement filters at the water treatment facility. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

Public Works Director, Collin Stelzig, noted Parks Advisory Board members; Bert Little and Jim Dutcher in attendance. Mr. Stelzig reviewed the Parks Advisory Board recommendations as outlined in the agenda packet material. Mr. Dutcher gave details on his research to allow e-bikes on the trails. A brief discussion continued. Ms. Engbretson noted her concern would be the ability to enforce the regulations pertaining to allowing e-bikes. Chief Workman stated his safety concerns and enforcement concerns. He noted he would like to be involved in the development of any e-bike policy. The discussion continued. Mayor Balensifer stated he would like to remand it back to the Advisory Parks Board, to have Chief Workman's involvement in the development of the policy; then report back to the Commission for a decision. A brief conversation continued. Mr. Dutcher continued to discuss the Welcome to Hammond Heritage District sign. Brief discussion followed. Mayor Balensifer asked them to develop several sign designs and report back for further review. Mr. Dutcher reviewed the last recommendation to rename Post Office Park; the consensus was to proceed.

Mayor Balensifer asked about the increased 911 tax. Police Chief Workman explained how the taxes are handled. Brief discussion continued.

Commissioner Dyer made the motion to approve the Police Dispatch Services Agreement with the City of Astoria for fiscal year 2019-2020 and to have the Mayor and City Manager sign the agreement. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

Fire Chief Tim Demers presented the agreement with the City of Astoria for Fire Dispatch Services, noting the increase of \$786 from last year. He noted that the state of Oregon is backing out of some of their dispatch agreements and equipment replacements; the phone system was one of those items.

Commissioner Newton made the motion to approve the Fire Dispatch Services Agreement with the City of Astoria for fiscal year 2019-2020 and to have the Mayor and City Manager sign the agreement. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

Mayor Balensifer stated the next agenda item involves his relative; he will hand over the gavel to Commissioner Newton and recuse himself from the room. Harbormaster, Jane Sweet, stated she received a business proposal from Wendy Balensifer for a food truck at the Hammond Marina. She would like to serve box lunches to the fishermen for the months of July and August. Commissioner Newton asked if there should be a set term to the agreement. Ms. Engbretson stated it can be a month to month. The discussion continued.

Commissioner Ackley made the motion to approve the License Agreement for Wendy Balensifer's food cart at the Hammond Marina for the months of July and August. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Ackley – aye; Dyer - aye

Mr. Bert Little, Quartermaster of VFW Post 10580, Warrenton discussed a request to pursue possible support from the National Guard to update the old Hammond Library Building. The VFW is interested in leasing the building to use as its headquarters. Discussion continued. Commissioner Baldwin stated he would prefer to not be a landlord. He would rather give them the building and see the results of VFW doing more community involvement work. The building is in bad shape and he doesn't want the city to be liable for it. Mayor Balensifer noted it is sitting empty, it is in bad shape, but the community has sentimental attachment to the building. He stated a decision of this matter would most likely go to the public. He suggested that if the City were to sell the building that there be a reversionary clause. The discussion continued. Mayor Balensifer clarified for the record, he likes the idea, but would like to retain some caution on this. This facility does have a lot of strong community feelings about it. He stated I want to make sure it's clear from the Commission stand point that we are authorizing staff to explore the possibilities only.

City Manager, Linda Engbretson, reviewed her request for a two week vacation; beginning July 29 - returning Monday August 12, 2019. She recommended Kevin Cronin be appointed as manager pro-tem during her absence. Mayor Balensifer noted his concern is that the suggested pro-tem is not in office on Fridays. Discussion continued. The Commission was in consensus that they would like the manager pro-tem or an appointed designee in the office Monday – Friday.

Commissioner Ackley made the motion to approve the City Manager's vacation request and appoint Kevin Cronin as manager pro-tem during the City Manager's absence, beginning July 29 until her return on August 12, with the stipulations as the consensus allowed. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

City Manager, Linda Engbretson, discussed the Quitclaim Deed for the Hammond Boat Basin. She distributed a draft form of the quit claim deed, and stated once the final version is received she would like approval to sign. She noted City Attorney, Spencer Parsons, has gone over the deed and that it does contain a reversionary clause.

Commissioner Baldwin made the motion to authorize the Mayor's signature on the Quit Claim Deed for the Hammond boat basin, once it is finalized and approved by the City Attorney. Motion was seconded and passed unanimously.

Baldwin – aye; Newton – aye; Balensifer – aye; Ackley – aye; Dyer - aye

DISCUSSION ITEMS – None

GOOD OF THE ORDER

Commissioner Baldwin noted a great turn out for the 4th of July

Commissioner Ackley stated she is sorry she missed the parade, she was out fishing.

Commissioner Dyer gave kudos to people that are cleaning up on their own; looks really good.

Commissioner Newton asked how many people the Fire Department fed at the 4th of July BBQ. Chief Demers gave the numbers. Commissioner Newton also noted the Oregon Hunters association had an event out at the fairgrounds to teach kids how to shoot. He is trying to arrange the Oregon Hunters Association to bring their trailer with the educational interactive set up to the library and also to the Thursday Market.

Mayor Balensifer stated he felt there was a record number of people out for the parade. He was initially a little concerned with the additional food vendors, but it did not seem to affect the Fire Department BBQ. He also gave special mention to Melody Duftin for putting together the car show. He noted it goes really well with their livability agenda. He was glad to see the direction they have taken is catching on with the citizens. He would like a list of all volunteers that were involved in the events, and send a thank you card.

Mayor Balensifer noted another update; grant request/concept plan for rural communities with rural air service. He inquired about merchandising and what we can put our logo on stating it would be good to start talking about merchandising the logo; people are interested and we could make money. Ms. Engbretson noted maybe sweatshirts or coffee cups. The discussion continued. Commissioner Newton noted concerns. Ms. Engbretson stated she would run this past the City Attorney.

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:19 p.m.

Respectfully submitted by Lindsay Duarte, Deputy City Recorder

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, City Recorder

3-B



Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax503/861-2351

STAFF REPORT

Date: July 22, 2019
To: The Members of the Warrenton City Commission
 Linda Engbretson, City Manager
From: Tim Demers, Fire Chief
Re: Fire Department Activity Report for **June, 2019**

June, 2019 Emergency Response Activity -

The Warrenton Fire Department responded to 85 emergency calls during the month of June, 2019. The department responded to 66 EMS (emergency medical service) calls, 8 motor vehicle crashes, and 3 service calls. There were 8 reportable fires during the month. Service calls include alarm activations with no fire, false alarms, hazardous conditions, good intent calls, public assists, etc. An average of 5 volunteers responded per call throughout the month. During the month of June, 58.8%, or 50 of the calls were during daytime hours between 6:00 a.m. and 6:00 p.m. The other 35 calls, or 41.2%, were during the night, between the hours of 6:00 p.m. and 6:00 a.m.

June, 2019 Training –

The department held 4 regularly scheduled Wednesday evening training sessions during the month of June, with an average attendance of 16 volunteers per drill. The department offered 5 additional training sessions during the month of May.

5th EMS – Narcan, breathing treatments, EMS standing orders

Instructor: Lt. Daugherty

12th Wildland firefighter skills

Instructor: Capt. Penno, FF Watson

S-131 wildland class - Seaside

Instructor: Kurt Donaldson

Rescue airbag training

Instructor: Capt. Shepherd

19th Ladder company evolutions

Instructors: Company officers, operators

S-131 wildland class - Seaside

Instructors: Kurt Donaldson

Small boat training

Instructor: Capt. Nyberg

26th Wildland firefighter skills

Instructors: Capt. Penno, FF Watson

Rescue airbag training

Instructors: Capt. Shepherd

3-C



WARRENTON POLICE DEPARTMENT
JUNE 2019 STATISTICS
 JULY 23, 2019



| June Statistics (% changes are compared to 2018) | | | | | | | |
|--|--------------|------|-------------|------|-------------|------|-------------|
| Category | 2019 | 2018 | % Chg | 2017 | % Chg | 2016 | % Chg |
| Calls for Service | 693 | 870 | -20% | 666 | 4% | 696 | 0% |
| Incident Reports | 189 | 238 | -21% | 181 | 4% | 166 | 14% |
| Arrests/Citations | 165 | 174 | -5% | 94 | 76% | 83 | 99% |
| Traffic Events | 182 | 266 | -32% | 173 | 5% | 179 | 2% |
| DUII Calls | 1 | 2 | -50% | 5 | -80% | 3 | -67% |
| Traffic Accidents | 16 | 22 | -27% | 15 | 7% | 14 | 14% |
| Property Crimes | 99 | 109 | -9% | 64 | 55% | 92 | 8% |
| Disturbances | 98 | 74 | 32% | 72 | 36% | 62 | 58% |
| Drug/Narcotics Calls | 9 | 6 | 50% | 8 | 13% | 4 | 125% |
| Animal Complaints | 31 | 32 | -3% | 30 | 3% | 29 | 7% |
| Officer O.T. | 192.9 | 146 | 32% | 217 | -11% | 57 | 238% |
| Reserve Hours | 27.5 | 7 | 293% | 0 | 275% | 55.5 | -50% |

| Category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep |
|----------------------|-------|--------|-------|--------|--------|-------|-----|-----|-----|
| Calls for Service | 727 | 643 | 700 | 717 | 781 | 693 | | | |
| Incident Reports | 210 | 157 | 194 | 198 | 223 | 189 | | | |
| Arrests/Citations | 210 | 171 | 200 | 153 | 191 | 165 | | | |
| Traffic Events | 254 | 236 | 233 | 218 | 251 | 182 | | | |
| DUII Calls | 6 | 2 | 8 | 5 | 8 | 1 | | | |
| Traffic Accidents | 25 | 15 | 9 | 25 | 18 | 16 | | | |
| Property Crimes | 116 | 89 | 104 | 92 | 99 | 99 | | | |
| Disturbances | 71 | 60 | 66 | 70 | 86 | 98 | | | |
| Drug/Narcotics Calls | 13 | 10 | 8 | 4 | 8 | 9 | | | |
| Animal Complaints | 22 | 15 | 26 | 26 | 32 | 31 | | | |
| Officer O.T. | 93.73 | 106.49 | 86.45 | 107.15 | 116.98 | 192.9 | | | |
| Reserve Hours | 37.5 | 25.5 | 26.5 | 27 | 8.5 | 27.5 | | | |

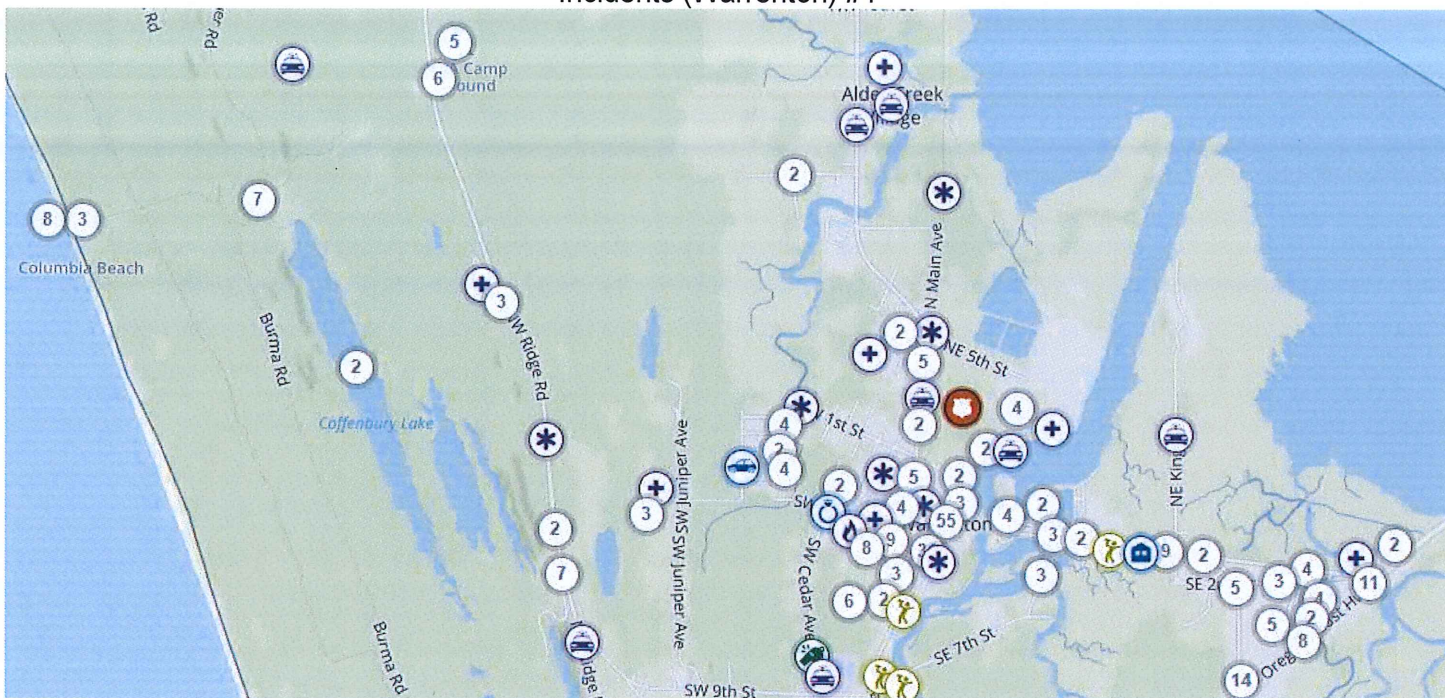
| Oct | Nov | Dec | 2019 YTD | 2019 Estimate | 2018 | 2019 v 2018 | 2017 | 2019 v. 2017 | 2016 | 2019 v. 2016 |
|-----|-----|-----|----------|---------------|--------|-------------|--------|--------------|--------|--------------|
| | | | 4261 | 8522 | 9332 | -9% | 7538 | 13% | 7689 | 11% |
| | | | 1171 | 2342 | 2551 | -8% | 2028 | 15% | 1749 | 34% |
| | | | 1090 | 2180 | 1731 | 26% | 1098 | 99% | 925 | 136% |
| | | | 1374 | 2748 | 3101 | -11% | 2094 | 31% | 2353 | 17% |
| | | | 30 | 60 | 55 | 9% | 52 | 15% | 15 | 300% |
| | | | 108 | 216 | 271 | -20% | 226 | -4% | 291 | -26% |
| | | | 599 | 1198 | 1187 | 1% | 902 | 33% | 805 | 49% |
| | | | 451 | 902 | 953 | -5% | 778 | 16% | 781 | 15% |
| | | | 52 | 104 | 108 | -4% | 79 | 32% | 42 | 148% |
| | | | 152 | 304 | 325 | -6% | 301 | 1% | 311 | -2% |
| | | | 703.7 | 1407.4 | 1731.7 | -19% | 2400.3 | -41% | 1249 | 13% |
| | | | 152.5 | 305 | 359.5 | -15% | 290 | 5% | 901.75 | -66% |

The following is a graphic representation of statistics for June 2019 using our [CrimeReports.com](https://www.crimereports.com) membership. If you go to the website you can zoom in on each incident for more details.

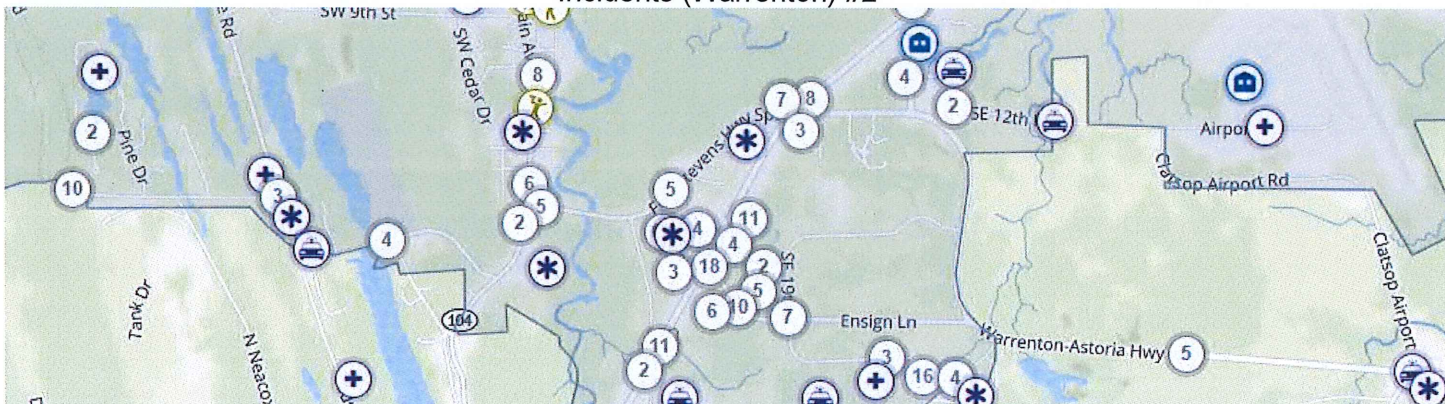
- Violent**
 - Assault
 - Assault with Deadly Weapon
 - Homicide
 - Kidnapping
 - Robbery
 - Other Sexual Offense
 - Sexual Assault
 - Sexual Offense
- Property**
 - Breaking & Entering
 - Property Crime
 - Property Crime Commercial
 - Property Crime Residential
 - Theft
 - Theft from Vehicle
 - Theft of Vehicle
- Quality Of Life**
 - Disorder
 - Quality of Life
 - Drugs
 - Liquor
- 911 & Other**
 - Alarm
 - Arson
 - Death
 - Family Offense
 - Missing Person
 - Other
 - Pedestrian Stop
 - Vehicle Recovery
- Vehicle Stop
 - Weapons Offense
 - Community Policing
 - Proactive Policing
 - Emergency
 - Fire
 - Traffic



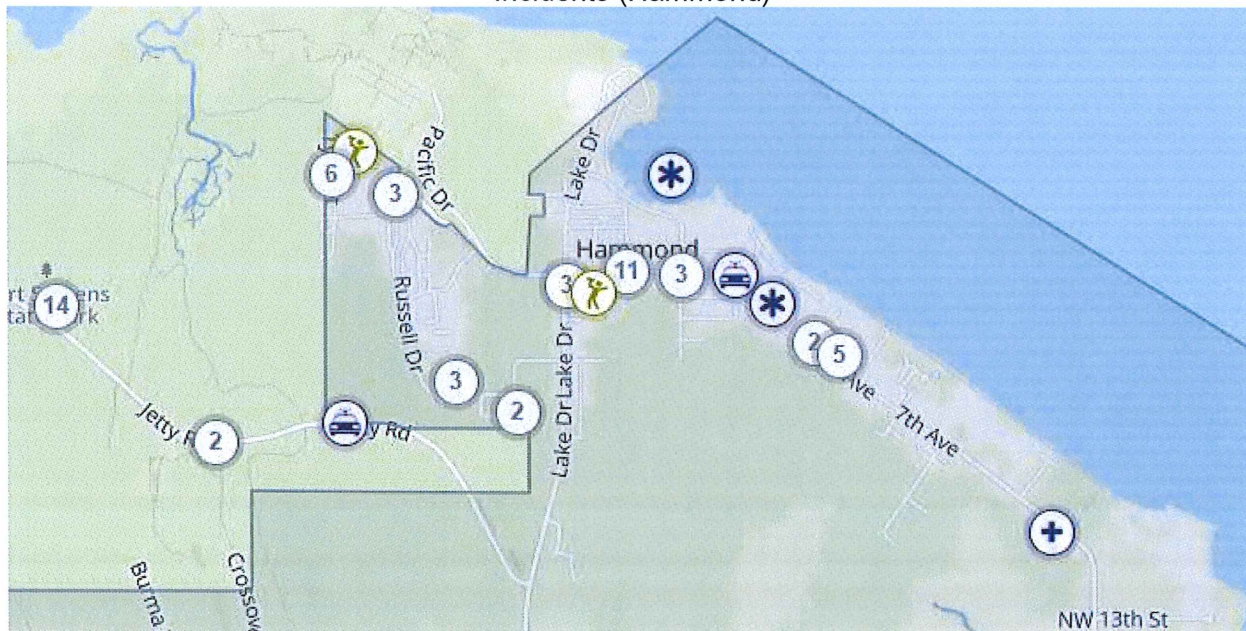
Incidents (Warrenton) #1



Incidents (Warrenton) #2



Incidents (Hammond)



3-D

| Party | Site Address | Status (Tagged, Determination, Noticed) | Deadline/Next Step | Responsible Party |
|---------------------|--------------------|---|----------------------|-------------------|
| Baumann (Schofield) | 228 S Main Ave | CC Noticed: 5 Vehicles | Closed | Owner |
| Alice Ann Codd | 238 S Main Ave | CC Noticed: Tow Fiero/Mowers | Closed | Owner |
| Royal Taxi Cab | 238 S Main Ave | Tagged: Junk, junk vehicles | Yellow Tag: 05/02/19 | |
| Wass (Leitch) | 925 E Harbor Drive | CC Noticed: Tall Grass/Building | Closed | Owner |
| Bill Rice | 1062 NW Warrenton | CC Noticed: Five Junk Cars | Active: Citation | CDD |
| | 726 E Harbor Drive | Tagged: Tall Grass/Trash | Closed | |
| | 485 N Main Ave | Tagged: Tall Grass/Trash | Closed | |
| Cody Russell | 71 Alt Hwy 101 | Tagged: Building Codes/Nuisance: Closed | BO Inspect | Owner |
| | 615 S Main Ave | Tagged: Fence - Vision Clearance | Closed | |
| | 613 S Main Ave | Finished Garage? Research | Closed | |
| LTO Properties | 719 S Main Ave | CC Noticed: Junk, junk cars | Closed | CDD |
| Fannie Mae | 1339 NW Warrenton | Tagged: Junk, trailer, porch, tall grass | Closed | Broker/Fannie Mae |
| Duane Viegas | 120 SW 2nd Ave | CC Noticed: Tall Grass/Junk Cars (2) | Closed | CDD |
| Carla Schaefer | 566 SW 1st Pl | Tagged: Tall Grass/Junk | Closed | CDD |
| Multiple | NW 17th Pl | Letters hand delivered; official notices next | No Further Action | CDD |
| William Harris | 566 W Harbor St | Junk, car | Inspected No. 3 | CDD |
| Sherree Larson | 173 N Main Ave | 1 car | Closed | CDD |
| SJB Investments | 104 & NW 17th Pl | Tall Grass | Closed | CDD |
| John Kalander | 1005 E Harbor Dr | Tagged: Junk vehicles, tall grass, junk | Closed | CDD |
| Michael Smith | 980 E Harbor Dr | Tagged: Junk vehicles, tall grass, junk | Closed | CDD |
| Louis Burdett | 1180 S Main Ave | Final Notice: Junk vehicles, tall grass, junk | Closed | CDD |
| Mitchell Jurgen | 1344 S Main Ave | Tagged: Junk vehicles, tall grass, junk | Closed | CDD |
| County Foreclosure | 1086 SE Main Ct | Derelict Home: Junk, tall grass | Closed | County |
| Randy Russell | 127 SW Alder Ct | CC Posted: Junk vehicles, tall grass, junk | Next: Citation | CDD |
| Harvey Meeuwesen | 17 NW Gardenia | Notice: Illegal RV, garage as living space | Closed | CDD |
| Daniel Ring | 64 SW Elm Street | Tagged: Junk vehicles, illegal auto repair | Closed | CDD |
| Rhiana Kelso | 1120 S Main Ave | CC Noticed: Junk/Yard Debris | Closed | CDD |
| Cynthia Inzunza | 115 SW Alder Ct | CC Posted: Junk vehicles (4) | Closed | CDD |
| Jason Palmberg | 1940 S Main Ave | CC Posted: Junk vehicles, illegal camping | Closed | CDD/BO |
| Jason Palmberg | 935 SE 13th Place | E-Notice: Junk cars, illegal camping, junk | Inspection No.1 | CDD |
| Ace Niekas | 1115 SW Cedar Ave | Tagged: Overgrown vegetation over ROW | Closed | CDD |
| Hazel Moore | 165 SE 2nd St | CC: Junk cars & trailers; debris | Final Notice | CDD |
| Martin Reding | 440 SW Main Ct | Tagged: Junk cars (4), junk, debris | 2nd Notice 04/25/19 | CDD |

| | | | | |
|----------------------|--------------------|---|----------------------|-----|
| Rubino | Next to WHS | Letter: Junk cars, junk | Closed | |
| Burnett | 347 SW Main Ct | Tagged: Junk vehicles (3), some junk | Closed | CDD |
| Nicholas Schaeffer | 36 SW 4th Ave | Tagged: Junk vehicles (2), trailer | 2nd Notice 04/25/19 | CDD |
| Arianna Buckner | 338 SW Main Ct | 2nd Notice: Junk vehciles (2), junk | 2nd Notice 04/25/19 | CDD |
| | 1st & Birch Ct | Tagged: Bus seats | Closed | |
| Steven/Brandee Marsh | 369 SW Main Ct | Tagged: Junk, junk vehicles | Yellow Tag: 05/07/19 | CDD |
| Adam Bridgens | 951-953 SW Main Ct | Tagged: Junk, hoarding, junk vehicles, derelict dup | Posted: 05/07/19 | CDD |
| Stoneking | 235 NW Warrenton | Tagged: RVs (4) Illegal camping | Tagged: 06/04/19 | CDD |
| Ken Kuenzi | 575 SW 1st St | Tagged: Tall grass | Tagged: 06/18/19 | CDD |
| Byron Cain | 562 NW Cedar Ct | Tagged: Junk vehicle, tall grass | Closed | CDD |
| Secord Property | 826 NE 1st Ct | CC Noticed: Junk, vehicles | Closed | CDD |
| Car Stereo Shop | 326 S Main Ave | Junk vehicle, debris field in parking lot | Closed | CDD |

Hammond

| | | | | |
|-----------------|---------------------|---|--------------------|---------|
| Aleta Coop | 841 Pacific Dr | Junk cars (3), junk/debris | Closed | CDD |
| Andrew Larsen | Fourth & Jetty | CC Posted: Junk cars, tiny home, junk | Closed | CDD |
| Michelle Torvik | 444 Jetty Ave | 2 junk cars, trailer, duplex deteriorated | Closed | CDD |
| Dog Kennel | King Salmon St | Junk cars, tall grass, debris | Closed | CDD |
| Dan Sturgell | 981 King Salmon Pl | CC Noticed: 3 Junk cars, debris | Closed | CDD |
| Michael Atwood | 453 Silverside Pl | Tagged: 6 Junk Vehicles + Trailer | Yellow Tag 1/28/19 | CDD |
| Brandon Hoard | 210 Silverside Pl | Illegal RV/Junk | Closed | CDD |
| Edwin Nowak | 469 Russell Drive | Illegal RV | Closed | CDD |
| | 1805 First Ave | Junk vehicle in ROW | Closed | CDD/WPD |
| | 462 Fifth Ave | Junk vehicle on Gray St | Closed | CDD/WPD |
| Gannaway | 316 Russell Drive | Tagged: Junk and two trailers | Yellow Tag 1/28/19 | CDD |
| Joseph Hudak | 1080 King Salmon Pl | 2 Junk cars | Closed | CDD |

Zoning

| | | | | |
|----------------|------------------|--|------------------|--------|
| Timber + Steel | NW Warrenton Dr | CC Noticed: Zoning Violation Buisness in R10 Zon | Closed | CDD |
| Kilo's Gym | 140 NW 5th Ave | Zoning Violation: Business in Storage Space | Closed | CDD |
| Fred Meyer | Youngs Bay Plaza | Storage Containers | Open: Inspection | CDD |
| Sew Be It | 945 S Main Ave | Upholestry is CUP | Open: Inspection | CDD/BO |

Open: 15

Closed: 43

Enforcement Steps

Yellow Tag

Inspection

2nd Inspection

Nuisance Notice

Nuisance Declaration

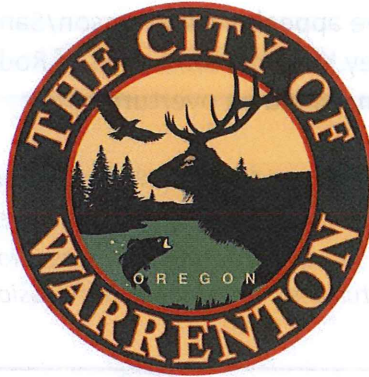
Nuisance Posting

Inspection

City Clean Up/Lien

Updated: Week of July 8, 2019

6-A



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, AICP, Community Development Director
DATE: For the Agenda of July 23, 2019
SUBJ: **DELIBERATION:** Clear Lake Subdivision, Variance, & Wetland Hardship Variance Appeals

On April 25, 2019, the Planning Commission approved applications for subdivision, variance, and wetland hardship variance for a 15 lot, single family development north of the terminus of SW Kalmia Avenue. The applicant is Gil Gramson of Sandridge Construction. The subject property is zoned Growth Management (RGM – R10). Despite objections from an adjacent affected property owner – Rod Gramson - the Planning Commission approved the request and included 14 conditions of approval. The City received appeals from the applicant and from the affected property owner before the appeal period expired. One hearing for both appeals was conducted on June 25, 2019. The City Commission received written and oral testimony from the parties as well as new parties as a result of a *de novo* hearing. The Mayor closed the public hearing and set a date to deliberate a decision on July 23.

Based on the new evidence in the record submitted by Jeffrey Kleinman on behalf of Rod Gramson on June 25, the subject lot was never legally created through a partition or lot line adjustment. A lot line adjustment was approved by the City in 2017, but the deed was never perfected to state standards and therefore never legally recorded at the County.

RECOMMENDATION/SUGGESTED MOTION

Staff recommends denying the appeal of Gil Gramson/Sandridge Construction and upholding the appeal of Jeffrey Kleinman on behalf of Rod Gramson. Therefore, the Planning Commission decision should be overturned.

Suggested motion: *Based on new evidence in the record submitted to the City Commission at the public hearing on June 25, 2019, I move to deny Sandridge Construction's appeal of the Planning Commission's decision, and uphold Mr. Rod Gramson's appeal, thereby overturning the Planning Commission's decision to approve.*

Approved by City Manager:



All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

NOTICE OF DECISION & ORDER
Clear Lake Subdivision (SUB 19-1)

Applicant: Gil Gramson | Sandridge Construction

Application: Preliminary Plat | Variance | Wetland Hardship Variance

Location: SW Kalmia Ave & Clear Lake

Application Date: February 7, 2019

Application Complete: February 14, 2019

120 Day Deadline: August 13, 2019

Criteria: Warrenton Municipal Code Chapters

Chapter 16.112 Growth Management Zone Standards

Chapter 16.120 Access & Circulation

Chapter 16.124 Design Standards for Landscaping, Street Trees, Fences, & Walls,

Chapter 16.136 Public Facilities Standards

Chapter 16.140 Stormwater and Surface Water Management

Chapter 16.144 Signs

Chapter 16.152 Grading, Excavating, & Erosion Control Plans

Chapter 16.156 Wetlands and Riparian Corridor Development Standards

Chapter 16.272 Variances

Chapter 16.192 Large Scale Developments

Chapter 16.216 Land Divisions and Lot Line Adjustments

Chapter 16.208.050 Type III Procedure (Quasi-Judicial)

Hearing & Record: The Planning Commission held a public hearing April 11, 2019 after which it continued the hearing until April 25, where it reached a decision to approve the preliminary plat for 15 single family dwelling lots (16 dwelling units) with conditions. An appeal from Rod Gramson was submitted and a hearing held by the City Commission on June 25, 2019. At the beginning of the hearing, pursuant to Warrenton Municipal Code Section 16.208.050.H.2.b, the City Commission voted to allow additional evidence and testimony in order to resolve the appeal and received such additional evidence and testimony. The Commission then closed the hearing to additional evidence and testimony and continued the hearing to July 23, 2019 for deliberations. On July 23, 2019, the City

Commission deliberated on the appeal and voted to uphold the appeal, overturn the Planning Commission approval and deny the application.

1. The City Commission determined that the subject lot was not legally created or recorded and does not meet WMC 16.216.020.B of the Warrenton Development Code, and for failure to comply with ORS 92.012 for subdividing or partitioning property.
2. The findings of fact and conclusions of the City Commission are based on evidence contained in a letter dated June 25, 2019 from Jeffrey Kleinmen and submitted into the record at the public hearing.

Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830. (Ord. 1225 § 9, 2019; Ord. 1175-A § 19, 2013)

Henry Balensifer, Mayor, City Commission

Date

Distribution: Applicant
Appellants
Public Comment Roster
File

7-A



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, Assistant City Manager
DATE: For Agenda of July 23, 2019
SUBJ: Newton & Williamson License to Occupy

SUMMARY

Rick Newton and Charles Williamson own property in downtown Warrenton at 269 S Main Ave and 45 SW 3rd Ave, respectively, and adjacent to an unimproved alley right-of-way (ROW) off 3rd St. Mr. Newton is renovating the former auto parts business for the relocation of Arnie's Café and Mr. Williamson owns a warehouse. The license to occupy proposal is to use the ROW for landscaping and to create an attractive appearance for the new café.

Staff requested comments from the Public Works Department. A stormwater facility is located in the ROW but will not be impacted by the proposal or cause any harm or obstruction. In order to ensure there is a mechanism that recognizes the proposed use in the public record, and that all affected parties are or can be made aware that the city has the authority and responsibility to require the discontinuance of the use as the need for the alley changes over time. A license to occupy for the ROW provides that mechanism. Staff will request a design and maintenance agreement for the landscaping. The proposed improvements are strategically aligned with the overall Downtown Revitalization Team (DRT) efforts to create a thriving business district on Warrenton's "Main Street."

RECOMMENDATION/SUGGESTED MOTION

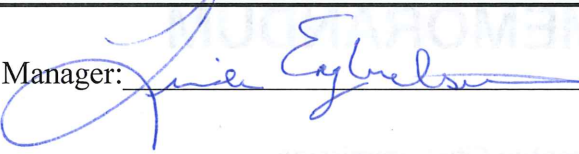
I move to approve the license to occupy that portion of the alley right-of-way adjacent to 269 S Main Ave and 45 SW 3rd Ave, Newtown & Williamson for the temporary but regular landscaping associated with their businesses.

ALTERNATIVE

None recommended

FISCAL IMPACT

None. The City collects a processing fee for the application but does have a fee schedule for use of long term right-of-way.

Approved by City Manager: 

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

License to Occupy

AN AGREEMENT, made and entered into this ____ day of _____, 2019, between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter referred to as “City”, and Warrenton Auto Parts, Inc and Williamson Family Trust, hereinafter referred to as “Newton” & “Williamson.”

WITNESSETH:

WHEREAS, Rick Newton is the property owner of certain real property in Warrenton, Oregon, hereinafter referred to as the “Warrenton Auto Parts property”, and more particularly described as 269 S Main Ave, Tax Lot 81021AC08400 and Charles Williamson is the property owner of certain real property in Warrenton, Oregon hereinafter referred to as the “Williamson Building,” and more particularly described as 45 SW 3rd Ave, Tax Lot 81021AC08500 in the City of Warrenton, County of Clatsop and State of Oregon, made application for a License to Occupy (LIC 19-1) and

WHEREAS, City is the owner of public street rights-of-way adjacent to and abutting the each said property, hereinafter referred to as “Block 11 Alley right-of-way,” and

WHEREAS, Newton & Williamson wants to landscape the right-of-way as it abuts the parking lot for the property.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- 1) City grants permission to Newton and Williamson and accepts City’s permission to occupy a portion of the alley right-of-way as shown on the attached exhibit. City is allowed access to maintain stormwater facility.
- 2) Newton & Williamson may have non-exclusive use of this area.
- 3) License area shall be kept clean and free of trash and debris. There shall be no loose items stored in the approved License area.
- 4) Newton & Williamson’s use of the alley right-of-way is not “adverse” or contrary to the City in any way. Neither Newton & Williamson nor any subsequent owner of the adjacent property will acquire any prescriptive rights in the alley right-of-way.
- 5) City may revoke its permission for Newton & Williamson’s continued use of the alley right-of-way for any reason upon sixty days prior written

Charles Williamson

Date



7-B

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Nettie-Lee Calog
DATE: July 23, 2019
SUBJ: IGA for Library Services

SUMMARY

I am requesting approval of an Intergovernmental Agreement that describes workflows for creating a shared catalog and courier services between the Warrenton Community Library, the Seaside Public Library and the Astoria Public Library. This is updating the existing IGA from August of 2018 which was between Warrenton and Seaside.

Astoria and Seaside city councils have already signed the agreement.

RECOMMENDATION/SUGGESTED MOTION

I move to approve and sign the Intergovernmental Agreement between Warrenton, Seaside and Astoria.

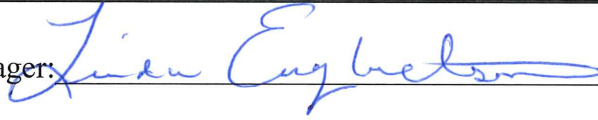
ALTERNATIVE

N/A

FISCAL IMPACT

A reduction in expenses incurred from Integrated Library Systems. Better sharing of resources will result in an increase in library traffic as will the ease in use for requesting materials between the three libraries.

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "Linda Engstrom", written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

Intergovernmental Agreement (IGA) regarding a consortium Integrated Library System (ILS) including cataloging and circulation modules between the Astoria Public Library (City of Astoria), the Seaside Public Library (City of Seaside) and the Warrenton Community Library (City of Warrenton) 2019-2022

This Intergovernmental Agreement is made effective upon signed and dated approval of the City of Astoria, the City of Seaside, and the City of Warrenton authorized acting authorities.

The purpose of this Intergovernmental Agreement is to improve library services for the Astoria Public Library, the Seaside Public Library, and the Warrenton Community Library by reducing costs and sharing the resources of one Integrated Library System. Sharing technology and collections are the visible, concrete component of this agreement. For the purposes of this agreement, collections shared are the Astoria Public Library circulating collection, the Seaside Public Library circulating collection and the Warrenton Community Library circulating collection.

This is an agreement between the City of Astoria, the City of Seaside and the City of Warrenton to provide a shared Integrated Library System catalog and cataloging system through vendor The Library Corporation utilizing OCLC MARC full records when possible in this system for Astoria Public Library, the Seaside Public Library and Warrenton Community Library.

Removal from this agreement may be requested at any time with 90 days advance written notice given to the entities and Library Automation vendor. There will be no billing of fees by either Library to the other due to the lapse of this agreement.

Each Library will maintain their own separate Library collection at the same level as when they joined this IGA.

Materials Shared Between Libraries

Interlibrary loan requests will be processed through hold placements in the TLC system and will be run through the existing SAWS library courier system or Orbis Cascade Courier System as part of the Libraries Reading Outreach in Clatsop County program until such time as other courier systems may replace the existing systems. Requests will be processed by the respective interlibrary loan staff or volunteers at each Library. It is the responsibility of the Library patrons to return items to the library where they picked up the books. Any late books or lost material fines will accrue per the respective library policies. If an item is lost by a patron at a library other than the one where they received their card, lost items will be billed per the usual interlibrary loan lost item policies or procedures already in place. It is the responsibility of the library where the item was circulated to collect fees and pay for any lost items fees to the lending library whose item was lost.

Library users using the shared system must checkout and return items at the Library they hold a card with. They may request books from the other library through the interlibrary loan request system by placing a hold through their respective library's website or in house system (which may be by paper request forms or digital forms).

Courier service will continue as previously instituted by the Libraries ROCC program with the Library Directors of Astoria, Seaside, and Warrenton sharing these duties until such time as all three libraries are on the Orbis Cascade Alliance courier system or a similar courier that will deliver the items for the libraries.

The library directors will decide collectively whether or not to lend new materials as part of this agreement. Each Library may fulfill hold requests for new titles based on demand at the home library. If a title is brand new, demand at the home library will have first priority over requests from the secondary library.

Library Circulation workflows

Library circulations will proceed as if each library were a stand-alone library with the exception of the Reading Outreach in Clatsop County Scholarship cards. Library cards ~~for~~ will be issued based on primary place of residence. If a resident prefers a card as primary at another library (for example, if they live in Astoria city limits but prefer to use the Seaside Library as their primary Library) out of town library card fees will apply. Cards will be issued based on place of residence. Out of city limits or district fees will apply based on where card is issued. At this time, Library cards must be used at the library where they were created with the exception of ROCC cards. All Library materials must be returned at the library where they were checked out from. If they are returned to the wrong library more than one time in a row, a fee may be assessed for staff time and use of the courier.

Library Catalog Records

The shared catalog records will be implemented in the following manner:

Any new books with holdings created by the Seaside Public Library will be maintained by the Seaside Public Library. The Astoria Public Library will have second ranking in creating and retaining cataloging records after the Seaside Public Library. All new books not already with a cataloging record or holdings created by the Astoria public Library will be maintained by the Astoria Public Library. All holdings created by the Warrenton Community Library will be maintained by the Warrenton Community Library.

The three Library's catalogers will agree on best practices for creating and maintaining records and holdings codes with Seaside Public Library catalogers taking in suggesting and implementing best practices.

At the start of the shared catalog project, the Astoria Public Library and Warrenton Community Library will merge records with the existing records that Seaside Library has in its system using ISBN codes as much as possible to match identical records. Full and complete catalog records will be the priority MARC records used with priority given to records downloaded from OCLC.

Any unique titles for the Astoria Public Library or Warrenton Community Library will have records checked against full MARC records in the OCLC cataloging system and replaced if a better record exists in OCLC.

After the initial merge, the Astoria Public Library and Warrenton Community Library will attach their holdings code to pre-existing MARC records created by Seaside Library catalogers. When a pre-existing title is not discoverable in the catalog, The Astoria Public Library and Warrenton Community Library staff will consult with Seaside cataloging staff to make sure the record for Astoria or Warrenton is unique and not a duplication of titles before proceeding with downloading a full MARC record to the shared catalog.

Records downloaded should be full MARC records with the current preferred choice of records received from the OCLC cataloging source available to both libraries through TLC.

Fines and fees

If a library patron has fines or lost items charged to their library card, they must clear any fines off their account at the library where their card was created before receiving the requested materials. No library card patron whose library card status is in collections will be allowed to place holds.

Library Automation System

Upon agreement of the three cities, moving to an agreed upon different Integrated Library System while still having a shared library Integrated Library System may be approved. The system for sharing items is based upon the three city's library collections and operations and not upon one specific Integrated Library System vendor. Moving to another vendor may be based upon increased efficiencies or cost factors that benefit the libraries and the patrons they serve.

Administration

The Library Director for Seaside, the Library Director for Astoria, and the Library Manager for Warrenton will assume all responsibility for fulfilling the intent of this agreement either through designated staff or authorized contractors.

All three cities will agree to maintain Internet connectivity, current levels of cataloging, and other infrastructure to allow for the timely delivery and services of the agreement to provide the best possible service through this shared catalog agreement. The parties agree to maintain all equipment and software used to connect the libraries to the ILS at the most current release levels of the operating system, anti-virus, ILS client software and other hardware or software features that relate to the security and efficient operation of the ILS.

Support

It is the responsibility of each Library to maintain their own connectivity, cataloging, circulation workflows, and support. Each Library shall maintain their own tech support whether it be through The Library Corporation or IT contractors hired by each city or staff. It is the right and responsibility of each Library in this system to maintain systems and services of the catalog, circulation, data, settings, and records that pertain directly to the respective individual library.

Privacy and Confidentiality Rights and Responsibilities

All data, records, and information within the ILS relating to the circulation, identification of library patrons, overdue charges, and library records for each contracting library will be deemed to be the property of the contracting library for all purposes and the respective library and city confidentiality policies rules will be the abiding rules.

Should any party to this agreement be subject to a legal proceeding related to data stored within the ILS for which the other party has ownership, technical controls, or access, or other responsibility, the parties agree to indemnify each other.

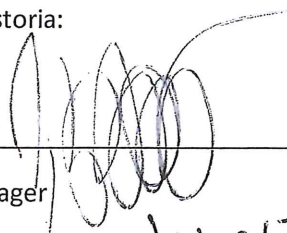
It is the responsibility of each library to make sure that all staff and volunteers with access to confidential information are aware of their responsibilities and the policies of the library regarding the sharing of any personal or private data or other information.

Signature Page

The City of Astoria, City of Seaside, and the City of Warrenton hereby agree to this Intergovernmental Agreement.

In witness whereof, the following authorized signers have caused this agreement to be active from today's date until June 30, 2022.

City of Astoria:




City Manager

Date: June 17, 2019


Digitally signed by BLAIR HENNINGSGAARD
DN: cn=BLAIR HENNINGSGAARD, o, ou, email=blair@astoria.law, c=US
Date: 2019.06.07 08:22:19 -08'00'

City of Seaside:



~~City Manager~~ Mayor
Date:

City of Warrenton:

City Manager
Date:

Through Tobacco Retail Licensing



Mike McNickle, Director
Clatsop County Public Health



Tobacco Free
Clatsop County

Protecting Youth Through Tobacco Retail Licensing

Guess which one does **NOT** require a license?



Own a dog Sell Christmas trees Sell tobacco

The image is a quiz graphic with a dark grey background at the top. The text 'Guess which one does NOT require a license?' is written in white, with 'NOT' in red. Below the text are three items: a puppy, a Christmas tree, and a pack of cigarettes with a tin of tobacco. The text 'Own a dog', 'Sell Christmas trees', and 'Sell tobacco' is centered under each item. The 'Sell tobacco' text is circled in red.



Tobacco 21 (T21)

- **On January 1, 2018 Oregon became the 5th state to raise the minimum age to purchase tobacco products to age 21.**
- More than 95% of smokers started before age 21
- Having a cigarette by age 18 makes it twice as likely to become a lifelong smoker.
- The developing teenage brain is particularly vulnerable to the addictive effect of nicotine.

Illegal Tobacco Sales To Minors

- December 2017 12% of stores in Clatsop County sold to minors.
- No strong incentive for retailers to obey the law.

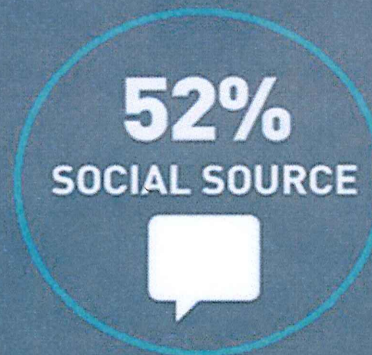
According to a 2013 SAMHSA Report :

- Oregon is one of the easiest states for youth to illegally purchase tobacco from retailers.
- It takes teens in Oregon less than five attempts to purchase tobacco; nationally, it takes teens an average of 10 attempts before successfully purchasing tobacco




VAPING: A New Threat

YOUTH WHO USED JUUL FLAVOR PODS IN THE PAST 30 DAYS SAID THEY OBTAINED THE DEVICE IN THE FOLLOWING WAYS.

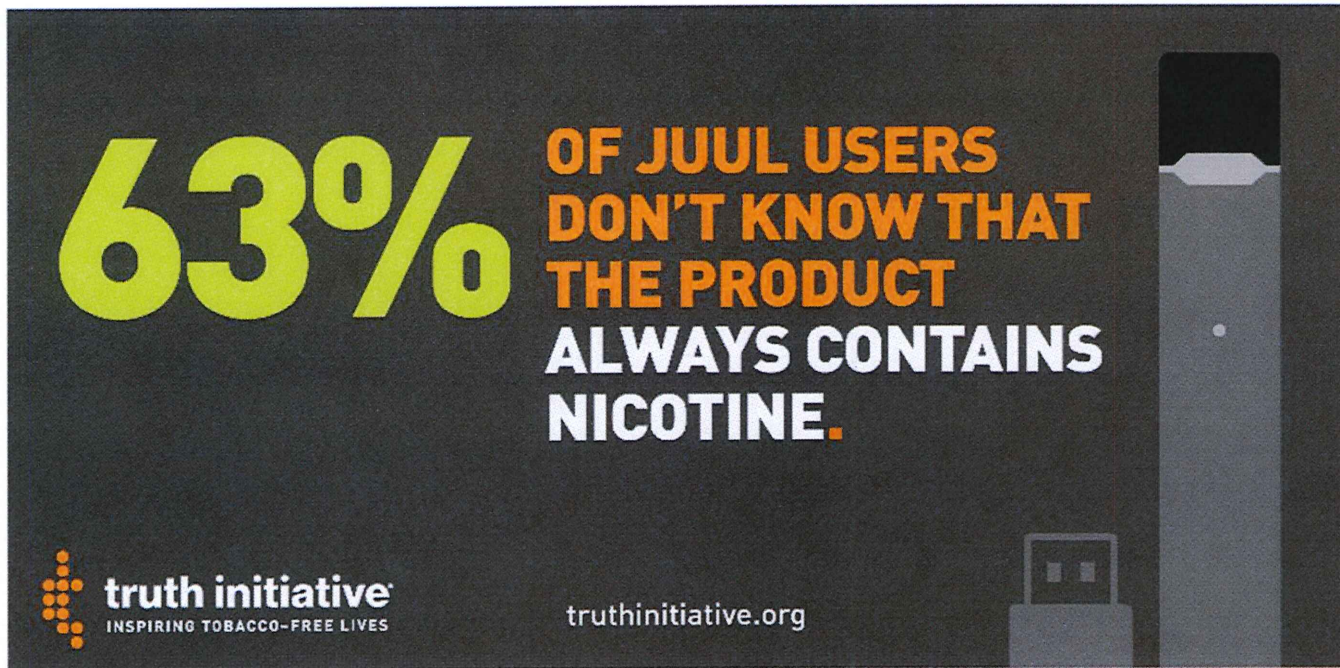


*youth could select multiple answers


truthinitiative.org

 **truth initiative**
INSPIRING TOBACCO-FREE LIVES

VAPING: A New Threat



63% OF JUUL USERS
DON'T KNOW THAT
THE PRODUCT
ALWAYS CONTAINS
NICOTINE.

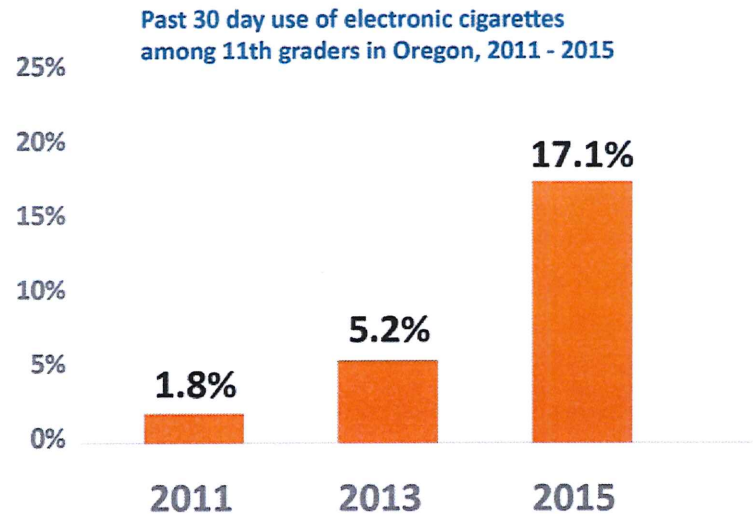
 **truth initiative**
INSPIRING TOBACCO-FREE LIVES

truthinitiative.org

The advertisement features a dark background with a JUUL device and a pack of JUULs. The text is in large, bold, sans-serif fonts. The percentage '63%' is in a bright yellow-green color, while the rest of the text is in white and orange. The Truth Initiative logo and website URL are at the bottom left.

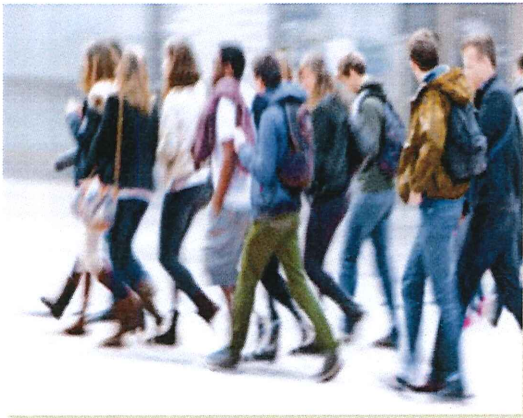
VAPING: A New Threat

E-cigarette use has tripled among youth in Oregon



Source: Oregon Healthy Teens Survey

VAPING: A New Threat



Clatsop County Public Health Conducted an E-cigarette and Vaping use in Clatsop County Public Schools assessment and found:

- School officials feel overwhelmed at the scope of the problem
- Student perception that vaping is not risky and poses no health threats
- E-cigarette use is easy to use and hide while in class or at school

Tobacco Retail Licensure In Clatsop County

US Surgeon
General Advisory

“We have never seen use of any substance by America’s young people rise as rapidly as e-cigarettes.....

We cannot allow e-cigarettes to become the on-ramp to nicotine addiction for younger Americans.....

Jerome Adams,
December 2018

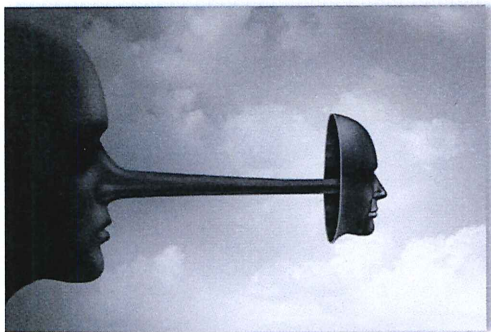
We need to protect our kids from all tobacco products, including all shapes and sizes of e-cigarettes.”



They say:

“Make the Switch.”

E-cigarettes were created to be a satisfying alternative to cigarettes. Learn about our mission to improve the lives of the world's one billion adult smokers. “



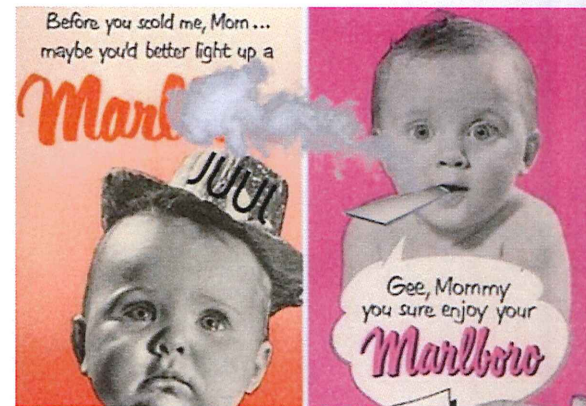
**We Can Trust Them,
Right?**

Vaping



Marlboro Modernizes Its Method Of Peddling Death To Kids

Forbes Dec 23, 2018



E-Cigarettes Hook a New Generation of Teens

Public health and tobacco-control advocates scramble to catch up

Eugene Weekly 1.3.2019



Tobacco industry creates new products and flavors to appeal to youth



81% of kids who ever used tobacco products started with a flavored product, including:



81% of kids who ever tried e-cigarettes

65% of kids who ever tried cigars

tkk.org/flavortrap

CAMPAIGN for TOBACCO-FREE Kids!

2018 Tobacco and Alcohol Retail Assessment

Shining a Light on Tobacco Industry Tactics in Oregon



2018 Tobacco Retail Assessment Goals

- Gain a comprehensive understanding of the tobacco industry's presence in retail environments in Oregon.
- Understand the tactics the tobacco industry uses to target Oregon residents, particularly youth, communities of color and people living with lower incomes.



Findings: Fruit and candy flavors hook youth



100 percent of surveyed Clatsop County tobacco retailers sold flavored products designed to appeal to underage consumers.



WHAT
CAN WE
DO?

Tobacco Retail License

Tobacco Retail Licensing

- Requires businesses to purchase a license to sell tobacco and nicotine products, including vape
- Provides for annual inspections and compliance checks of all retailers
- Provides a mechanism to educate retailers and a penalty system for those who violate the law
- Annual license fee sustains the program
- Be county-wide, creating a level playing field

Tobacco Retail Licensing

- Ensure e-cigarettes and vape juice move behind the counter as required by state law
- Prevent new retailers within 1,000 feet of schools and youth facilities
- Eliminates price discounts and coupons
- **Prohibits flavored E-cigarette and other tobacco products**

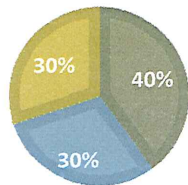
What Do The Retailers Say?

Tobacco Retailer Survey Results

A majority support TRL

SUPPORT OF TRL TO PREVENT YOUTH INITIATION OF TOBACCO AND VAPING

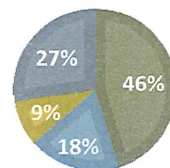
■ Agree ■ Disagree ■ Need more info



A majority of retailers would consider discontinuing the sale of vaping products to prevent youth from using:

DISCONTINUATION OF SALE OF VAPING PRODUCTS TO REDUCE YOUTH USE

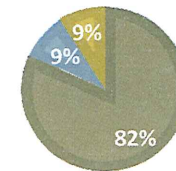
■ Agree ■ Neutral ■ Disagree ■ Does Not Carry Product



- May-June 2019 Public Health conducted a retailer survey to listen and address concerns
- 48 retailers contacted; 11 responded and were interviewed.

PERCEIVED IMPACT OF TRL ON BUSINESS

■ No impact
■ Would not continue selling tobacco
■ unsure

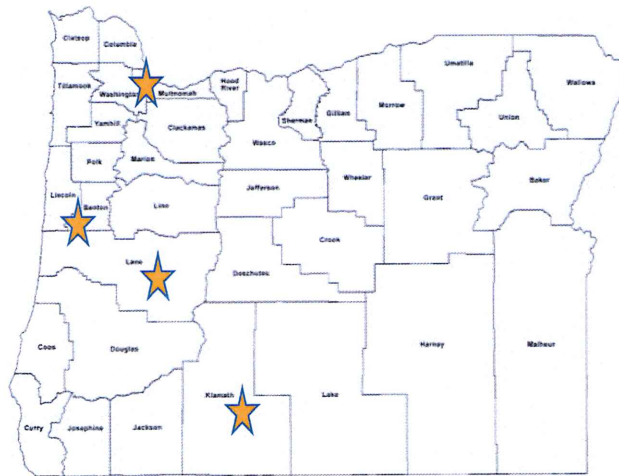


82% believe a TRL will have no impact on their businesses

Tobacco Retail Licensing

- Oregon is one of only 9 states that don't have Tobacco Retail Licensing
- Lessons learned from Benton, Klamath, Lane & Multnomah Counties

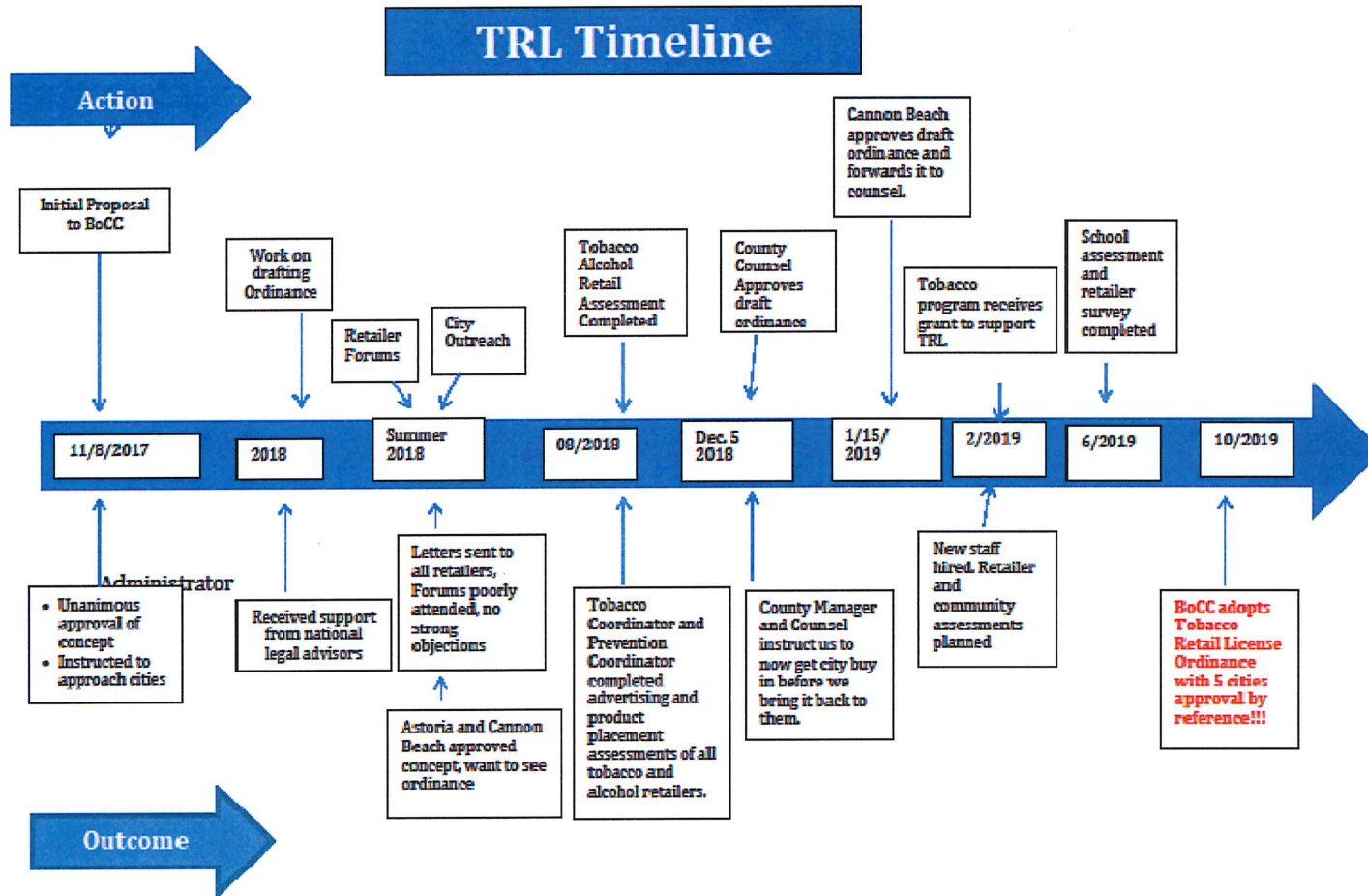
- An adequate licensing fee is needed to cover education and enforcement.
- Public Health Authorities are best positioned to implement Tobacco Retail Licensing.



- Tobacco Retail Licensing is most effective when implemented countywide.
- Support from city leaders is critical to successfully pass and implement Tobacco Retail Licensing.

Where We Are At Now

What We've Done So Far





Next Steps

Approval from Astoria,
Warrenton, and Seaside
City Councils



Tobacco Retail Licensing

Reduce youth initiation
of tobacco use

Protect youth from a
lifelong tobacco addiction

Reduce lifelong
tobacco use

Reduce tobacco-related
disease & death

Increase productivity &
health care savings

Have a happier and healthier community!



Tobacco Retail Licensure In Clatsop County





Tobacco Free
Clatsop County



Julia Hesse

Health Promotions Specialist
Clatsop County Public Health

jhesse@co.clatsop.or.us

503-338-3756

Assessment of E-Cigarette Use and Vaping in Clatsop County Schools:

Summary of Major Findings

May 2019



Clatsop County Public Health Department assessed student use of e-cigarettes in Clatsop County schools in response to the high level of concern conveyed from schools. In an effort to gain insight on the scope of the issue and strategize a plan, an assessment was created and school leaders were asked to participate in interviews. Interviews were comprised of a series of questions regarding awareness, prevalence, level of concern, current tactics being used to address e-cigarette use, barriers, and needs. Below are major findings from this assessment:

- The top concern among school leaders was students' perception that e-cigarettes are not risky and pose little harm.
- Another main concern for educators was student's ease of use due to the small and concealable size of devices and the fact that they do not emit a strong odor, if any, like combustible cigarettes do.
- School leaders overall reported being "moderately to extremely familiar" with the prevalence of e-cigarettes and vaping use and the health implications, but were less familiar overall with the nicotine concentration and cannabinoid delivery potential of these products.
- Oregon Schools are required by law to have a basic Tobacco Free Schools policy. The schools' individual policy language and disciplinary actions for breaking policy is inconsistent and differs with each district.
- School leaders are alarmed at the rate of increase of e-cigarette use and feel that they have inadequate information and resources to deal with the problem.

Contact Information:

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Health Promotion Specialist
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Assessment of E-cigarette Use and Vaping in Clatsop County Schools:

Comprehensive School Report



Published by:

Clatsop County
Public Health Department
820 Exchange Street, Suite 100
Astoria, Oregon 97103
www.co.clatsop.or.us

E-cigarette/Vaping Assessment Overview & Background

The current spike in youth e-cigarette use is an alarming trend with potentially serious health and other consequences from nicotine addiction. School and public health officials share a common concern for young peoples' well-being. Health and Human Services Secretary Alex Azar recently stated "We have never seen use of any substance by America's young people rise this rapidly - this is an unprecedented challenge."¹ An assessment of the issue will provide an opportunity to coordinate an urgent and strategic response in Clatsop County Schools.

Public Health can provide prevention solutions through reducing youth access to tobacco and tobacco products in the retail setting as well as technical assistance to schools in developing their response to this epidemic.

Definitions

E-cigarette: Inhalant delivery system that allows user to mimic the act of smoking conventional cigarettes. They contain the same addictive ingredient, nicotine, as conventional cigarettes. But instead of smoke from burning tobacco, users inhale aerosol consisting of nicotine, flavor additives and other chemicals. Marijuana and other substances can also be used in e-cigarettes.²

Inhalant Delivery System: A device that can be used to deliver nicotine or cannabinoids in the form of vapor or aerosol to a person inhaling from the device; or a component of a device or substance in any form sold for the purpose of being vaporized or aerosolized by a device, regardless of whether or not the component or substance is sold separately.³

Tobacco Product: Cigarettes, cigars, pipes and other smoking products, dip, chew, snuff, snus and any other smokeless tobacco product, and nicotine delivery devices such as electronic cigarettes, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation.⁴

Vaping: The act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device.⁵

¹ www.HHS.gov

² www.oregon.gov

³ ORS 431A.175

⁴ Clatsop County Ord. 2013-02

⁵ www.centeronaddiction.org

Methodology

In March and April 2019, Clatsop County Public Health interviewed 12 school leaders from five school districts regarding their knowledge, school policies, concerns, curricula, and response to student e-cigarette and vaping use on campus. Eight principals/vice principals, two nurses and two counselors were included in the assessment. Participating schools included:

- Astoria High School
- Broadway Middle School
- Jewell School
- Knappa High School
- Seaside High School
- Warrenton Grade School
- Warrenton High School

School leaders responded to a standardized assessment interview tool conducted by two health promotion specialists. Audio recordings were transcribed by a professional transcriptionist. The assessment consisted of 18 questions which were formatted in a combination of Likert scaling, open ended, and multiple-choice.

Results

Perceived familiarity: Overall, school leaders reported being, “moderately to extremely familiar” with the prevalence and health implications of e-cigarettes and vaping, but they were less confident in their familiarity with the nicotine and cannabinoid containing potential of these products.

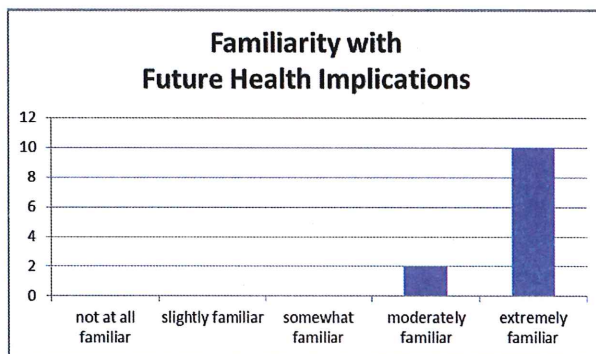


Figure 1

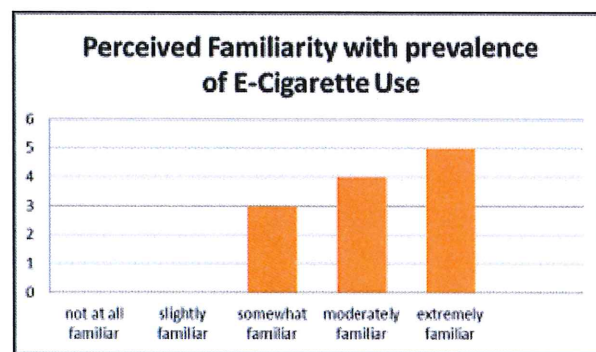


Figure 2

Perceived familiarity (cont): School leaders were even less familiar with vaping products and their cannabinoid or nicotine containing potential.

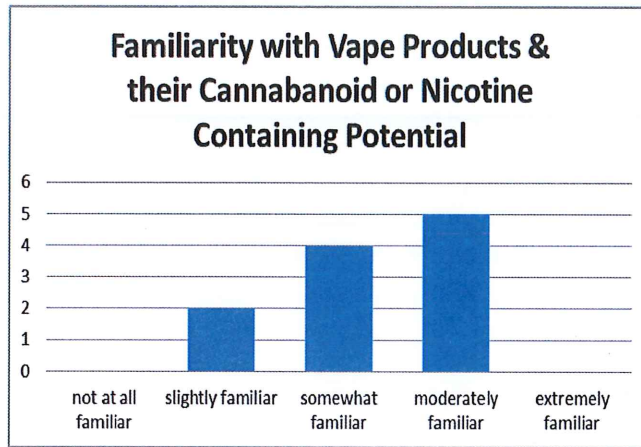


Figure 3

Concerns: School leaders were very concerned regarding student’s use of e-cigarettes and vapes. Of most concern was students’ perception that e-cigarettes and vaping posed little harm or risk to their health. Other top concerns were ease of use in school as vaping is easy to hide, accessibility to nicotine products and long-term health impacts.

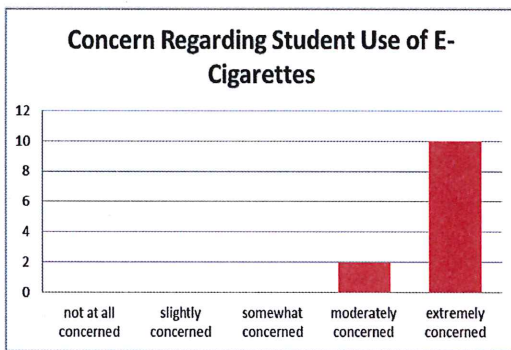


Figure 4

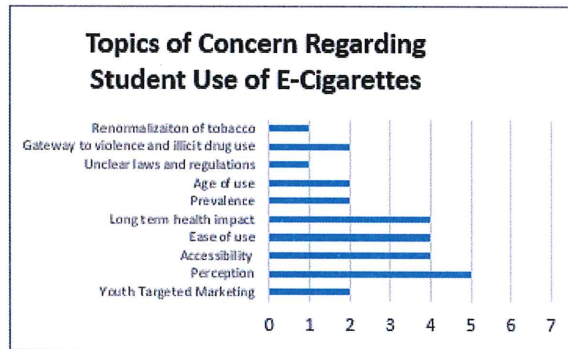


Figure 5

Discipline & School Response: All schools had policy regarding substance use on school grounds. However, the policy language is inconsistent across the county and disciplinary actions for breaking school policy differ within each district. Not all districts include the terms vaping, e-cigarette use, or inhalant delivery system in their policy. All schools participating in the report were emailed an additional question that was not on the interview tool asking how many discipline referrals/infractions they had during the current school year for student use of tobacco/vaping products. Of the three that responded to the email, the range of referrals was 5-25.

Prioritized Resources: School leaders were asked to rank and prioritize a series of resources that could be made available to the schools. Due to inconsistencies in data collection, these responses could not be quantified. However, it was clear that overall, school leaders requested an increase in information on e-cigarettes and vaping. In particular, education/training for staff, parents and students were highlighted as the most useful resources.

Youth Tobacco Possession Laws

Under the Oregon Tobacco 21 Law:

Sales of tobacco and smokeless tobacco products to minors under the age of 21 are prohibited:

- Persons who violate this are subject to a structured fine scale ranging from \$50.00-\$1000.00 dollars depending on the offense
- The clerk who made the sale, as well as the management will receive a fine
- Enforcement is done through a partnership of federal, state, county, and city law enforcement authorities

Possession of tobacco products or inhalant delivery systems by minors under the age of 18 is prohibited:

- Persons who violate this commit a Class D violation
- Enforcement: City, County and state law enforcement authorities
- Class D Violation: Enforced at the discretion of law enforcement, but carries a presumptive fine of \$110.00

Various law enforcement officials in the area have expressed that their main objective in responding to these incidents is becoming a point of contact for youth and providing education around the health risks of these behaviors through open dialogue.

**It is not a violation for people ages 18-20
to possess tobacco products or inhalant delivery systems**

Conclusion

As a result of the assessment, the following strategies are suggested:

Review school policy:

1. Research model policy language and upgrade as needed
2. Communicate school policy consistently to staff, students, parents and community
3. Provide opportunities for learning through discipline such as online educational programs like *3rd Millennium Classrooms*
4. Ensure students with nicotine dependence are provided cessation resources such as *This is Quitting*, an evidence-based, digital quit-smoking program

Curricula:

1. Consider implementing evidence-based prevention education that meets Oregon Department of Education's health standards
2. Include media literacy and adolescent brain development components

3. Provide access to *Blueprints for Healthy Youth Development* for a registry of evidence-based prevention education programs

Staff training:

1. Provide all staff training on vaping and e-cigarette use. Training should include health implications, youth brain development and addiction, and vaping culture and trends. Include school policy and response.

Parent training:

1. Provide a myriad of parenting information to meet the individual and cultural needs of the student population. Schools can provide informational workshops or resource tables at open houses and conferences. In addition, schools can provide education through social media and newsletters.

Positive youth development:

1. Involve youth as leaders in all efforts to prevent and respond to e-cigarette and vaping.
2. Consider using the *Positive Culture Framework* to address perceptions and misperceptions regarding youth use.
3. Conduct assessment with youth to better inform policy, response and curricula decisions. Student Cafes, focus groups, and surveys such as Oregon Healthy Teens are effective assessment strategies.

Public Health is available to provide assistance with any of these strategies.

Limitations & Recommendations for Further Assessment

This *E-cigarette and Vaping Public Health Assessment* of Clatsop County School Districts was a response to the urgent requests made by local schools regarding student vaping. Due to Public Health restrictions of staff time and financial resources, a rapid assessment approach was utilized. No more than three school personnel were interviewed for each school and interviews were limited to administration, counselors and/or nurses.

A more thorough evaluation should include assessment of parents, students, and other school employees. School leaders identified teachers (specifically health teachers), athletic directors, and transportation administrators as important stakeholders to include in further assessment. In addition, schools were encouraging and supportive of involving youth as leaders in health promotion work around this topic. A more comprehensive assessment could include findings from the Oregon Healthy Teens Survey and Student Wellness Survey regarding student use and perceptions and data regarding how youth acquire e-cigarette and vaping products.

Contact Information

| | |
|--|--|
| <p>Jill Quackenbush Prevention Coordinator Clatsop County Public Health 503.325.8673 x 1 jquackenbush@co.clatsop.or.us</p> | <p>Julia Hesse Health Promotion Specialist Clatsop County Public Health 503.325.8500 jhesse@co.clatsop.or.us</p> |
|--|--|

Clatsop County Tobacco Retail License (TRL) Ordinance



How Does Clatsop County Compare with the Rest of the State?

| | Clatsop County Smoking Rates | Oregon Smoking Rates |
|--------|------------------------------|----------------------|
| Adults | 21% | 17.9% |
| Youth | 11.9% | 7.7% |

The Problem

- Tobacco is the leading cause of preventable deaths in the United States killing almost 500,000 people per year. 90% of smokers start smoking before the age of 18 years.¹
- In 2014 Clatsop County 11 graders were smoking cigarettes at almost twice the rate of Oregon.²
- Existing regulations are insufficient to ensure retailer compliance with the state.
- In 2017, Senate Bill 754 passed, which raised the minimum age to purchase cigarettes from 18 to 21 in Oregon, but did not include the means to enforce it.³
- In Oregon 16% of youth got their tobacco from a store or gas station.⁴
- Clatsop County Retailers sales to minors is 12% compared to Oregon average of 7.5%. This inspection did not include e-cigarettes or other forms of tobacco.⁵
- Youth are smoking e-cigarettes at a higher rate than traditional cigarettes⁶

Tobacco Retail Licensing Helps Reduce Tobacco Use

- Tobacco Retail Licensing (TRL) requires retailers who want to sell tobacco to obtain a license for that privilege. If the retailer breaks the law by selling tobacco to underage youth (or other tobacco-related law) the license can be revoked.
- Although sales to youth are already prohibited by state law, enforcement is minimal.
- Studies have shown that in communities with strong licensing laws, the sales rate to minors decreased dramatically.⁷
- Requiring a license to sell tobacco products is an excellent foundational regulatory tool that can include other tobacco control best practices and ensure compliance with state and federal laws.

Local Licensing Systems are Self-sustaining

- Licensing fees are used to fund the implementation and enforcement of a tobacco retail licensing system.
- Can provide for retailer tobacco sales education.
- Keeps enforcement local.
- Makes the law uniform across the entire county.

The Solution

Clatsop County Public Health

820 Exchange St.,
Suite 100

Astoria, OR 97103

(503) 325-8500
phone / (503) 325-8678 fax

1. [CDC Tobacco Data](#)
2. 2017 Oregon Healthy Teens Survey
3. ORS 163.575
4. Oregon Healthy Teens Survey 2017
5. OHA 2017-2018 Oregon Tobacco Retail Enforcement Inspection Results
6. Oregon Healthy Teens Survey 2017
7. [License to Kill? Tobacco retailer Licensing as an Effective Enforcement Tool. Tobacco Control Legal Consortium.](#)

Clatsop County Tobacco Retail License (TRL) Ordinance



What Will It Cost?

The annual fee is projected to cost each retailer \$200-\$250.

How will it work?

- Apply for the license at the Environmental Health Department at 820 Exchange St. in Astoria.
- Post the license in a visible place
- Allow annual inspections for compliance with the law.
- Penalty structure is still being worked out. Graduated scale of fines combined with a license suspension for repeat offenders are being considered.
- License fees and fines will only be used to maintain the program.
- Training handouts for employees will be given, with in person training if desired.

The What's In The Ordinance

The draft ordinance requirements of retailers are as follows below:

All tobacco retailers must:

- Purchase an annual license from the Clatsop County Environmental Health Department.
- Display the license at their location/s, easily visible to customers.
- Make the store accessible to annual inspections by Environmental Health.

In addition to not selling tobacco or tobacco paraphernalia to minors under age 21, the TRL prohibits:

- Locating tobacco products and paraphernalia where they are accessible by a customer without assistance. (All tobacco products, including e-juice and e-cigarettes must be behind the counter).
- Selling tobacco below established minimum price which includes price discounts, singles, coupon redemption, free samples.
- Prohibits selling flavored tobacco products including vaping products.
- No tobacco or tobacco products to be sold within 1000 ft. of a school, playground, park, or other youth-oriented facility. *

* These restrictions do not apply to an applicant who has been licensed in their location for at least one year.

Clatsop County

820 Exchange St.,
Suite 100

Astoria, OR 97103

(503) 325-8500
www.co.clatsop.or.us

What is Happening in Other Counties?

Compliance and Enforcement

Inspections of all stores will be conducted at least once time per year by either an environmental health inspector or youth decoy inspection. The penalty structure is as follows:

In any 24-month period:

- First Violation—\$500 fine
- Second Violation—\$2500 fine and license suspended for 30 days
- Third Violation—\$5000 fine and license suspended for 90 days
- Four or more Violations- \$7500 fine and license revoked.

What is Happening in Other Counties?

Oregon is one of only nine states that does not require a license to sell tobacco. This gives Clatsop County an opportunity to have local control and adopt an ordinance that is unique to its needs. Many Oregon counties are in the process of adopting a TRL, while some already have. The following is a partial list of those counties.

| County | License Fee | City |
|--|---|---|
| Benton County, 1997 | Fee is \$35 and is not enough to cover enforcement. Cities are working on a plan to do their own. | Corvallis has its own. |
| Lane County 2015 | \$200 for new; \$125 for renewal. Unincorporated only. Does not cover the cost of enforcement. | Veneta and Cottage Grove have their own license ordinances. |
| Multnomah County 2016 | \$580-this fee will be raised Unincorporated | |
| Klamath County 2018 | \$275 Unincorporated | |
| Clackamas, Deschutes and Marion Counties and more | Are in different stages of TRL ordinance development | |

Contact Julia Hesse, Health Promotions Specialist
 Clatsop County Public Health
 820 Exchange Street
 Astoria, OR
 jhesse@co.clatsop.or.us
 503-338-3756

ASSESSING OREGON'S RETAIL ENVIRONMENT

SHINING LIGHT ON TOBACCO INDUSTRY TACTICS



To create a picture of what tobacco retail marketing looks like across the state, local health department staff, nonprofits, tribes and volunteers visited 2,000 Oregon tobacco retailers in 2018. Using a standard assessment tool, these visits provided comprehensive data on how the tobacco industry pushes its deadly products across Oregon.

The findings are clear: the tobacco industry targets people in Oregon, especially youth, communities of color and people living with lower incomes.

Consider these facts:

The tobacco industry spends over \$100 million each year in Oregon¹, putting its products front-and-center where people, including kids, will see them every day. This drumbeat of promotion is intentional. It is designed to manipulate consumers, spark nicotine cravings and generate impulse tobacco purchases among people trying to quit. These ads also lure teens and young adults to a deadly product.² The dominance of youth-targeted promotions begins on the exterior walls and windows of stores, with big, colorful ads that often are at the eye level of a young child. Tobacco retailers place attractive images of tobacco products alongside ads for snacks and treats that kids love, such as sodas, hot dogs and chips.

IN OREGON:



1 in 5 of tobacco retailers in the retail assessment placed tobacco products within a foot of candy or toys.



3 in 4 Oregon high school students reported seeing tobacco ads in stores, online or in other media in 2017.³



Use of e-cigarettes among 11th graders increased nearly 3 fold from 2013 to 2017.³



64% of retailers offered discounts that make tobacco more affordable for youth and people with low incomes.



1 in 2 retailers displayed outside advertising for at least one type of tobacco product.

The assessment sheds light on the variety and intensity of tobacco marketing targeted at youth. It also shows how the industry targets communities that already experience higher rates of tobacco use and tobacco-related chronic disease and death. To learn more about the retail assessment results and how counties, tribes, and community advocates are fighting back, read the full statewide report.

- To read the full statewide report, visit: smokefreeoregon.com/retailassessment/
- To stay in touch with tobacco news and prevention, follow Smokefree Oregon on Facebook.
- To get involved, visit: smokefreeoregon.com/what-you-can-do/

WHAT IS THE TOBACCO PREVENTION AND EDUCATION PROGRAM (TPEP)?

The Oregon Health Authority Tobacco Prevention and Education Program (TPEP) works collaboratively with every Oregon county and tribe to implement community tobacco prevention and education programs. TPEP is grounded in best practices for tobacco control and seeks to make sustainable policy, systems and environmental change.

^{1,3} For more information on data sources, please visit: smokefreeoregon.com/sources/

CLATSOP COUNTY TOBACCO RETAIL SNAPSHOT

COUNTY TOBACCO RETAIL ASSESSMENT OVERVIEW

Across Oregon, teams visited nearly 2,000 grocery stores, convenience stores, gas stations, pharmacies and other retailers. All retailers in this survey allowed youth to shop in their stores.

RETAIL FINDINGS ON TOBACCO MARKETING AND ADVERTISING IN CLATSOP COUNTY

In Clatsop County, TPEP and partners surveyed 43 retailers out of 47.



1 in 5 advertised tobacco or e-cigarettes outside the store



100% sold flavored products (menthol, candy, etc.)



13% sold products within 12" of toys, candy, gum, slushy/soda or ice cream



2 in 5 offered price promotions/discounts

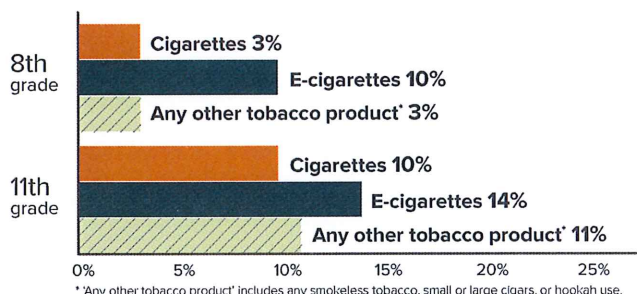


49% who sold cigarillos or small cigars advertised them for less than \$1

If you're interested in learning more about tobacco use in your county, you can explore your county's fact sheet at: smokefreeoregon.com/what-you-can-do/

¹³ For more information on data sources, please visit: <https://smokefreeoregon.com/sources/>

YOUTH TOBACCO USE³



Among 11th graders in the North Central Oregon region, e-cigarette use was higher than cigarette smoking in 2017.

Note: The North Central Oregon region includes Clatsop, Columbia, Gilliam, Hood River, Sherman, Tillamook and Wasco Counties. Estimates are reported by region instead of county when one or more estimates from the county level represented too small a population to be reliable.

FIGHTING BACK AGAINST TOBACCO INDUSTRY MARKETING AND ADVERTISING

- **Tobacco Retail Licensure** - Having a system that tracks tobacco retailers and enforces laws that keep kids from buying tobacco is critical to reducing tobacco use. Effective retail licensure has meaningful fees and penalties—and leaves an option for additional local policies.
- **Raising the Price of Tobacco Products** - Raising the price of tobacco is the most effective way to reduce tobacco consumption. Approaches include prohibiting discounts, multipack offers and coupons that keep tobacco cheap.
- **Regulating Flavored Tobacco Products** - Flavored tobacco is attractive to kids and masks the harsh taste and feel of tobacco products. Policies that restrict flavors would make tobacco products less appealing to youth.
- **Proximity and Density Policies** - Zoning restrictions can cap the number of retailers in an area, require a minimum distance between retailers or prohibit retail locations near schools or other areas youth frequent.
- **Tobacco-Free Pharmacies** - Prohibit the sale of tobacco products in pharmacies, where people go for medicine, flu shots and health care advice.

TOBACCO RETAILER ASSESSMENT



June 2019

Final Report

Clatsop County Public Health Department conducted interviews with tobacco retailers in the county to gain insight to the retail community's level of readiness in adopting a tobacco retail licensing system in effort to reduce and prevent youth use and initiation of tobacco and vaping products in Clatsop County.

Tobacco Retailer Assessment

CLATSOP COUNTY PUBLIC HEALTH DEPARTMENT CONDUCTED INTERVIEWS WITH TOBACCO RETAILERS IN THE COUNTY TO GAIN INSIGHT TO THE RETAIL COMMUNITY'S LEVEL OF READINESS IN ADOPTING A TOBACCO RETAIL LICENSING SYSTEM IN EFFORT TO REDUCE AND PREVENT YOUTH USE AND INITIATION OF TOBACCO AND VAPING PRODUCTS IN CLATSOP COUNTY.

OVERVIEW & BACKGROUND

Oregon recently passed the Tobacco 21 (T21) law that makes it illegal to sell tobacco to any persons under age 21. This evidence-based law¹ went into effect in January 2018 as an effective strategy to reduce youth tobacco addiction rates. Although the T21 law prohibits selling any tobacco or vaping product to minors under the age of 21, the state has limitations when it comes to enforcement. Current monitoring and enforcement of illegal sales of tobacco to minors is inadequate. Moreover, Oregon is one of only nine states that doesn't require retailers to possess a license to sell tobacco products and it is twice as easy for Oregon youth to illegally purchase tobacco than the national average. The 2018 Oregon Student Wellness Survey data indicated that the number one way underage youth access tobacco products is through social sources like their friends or family members. The second most common access point to tobacco products cited by survey respondents was "stores or gas stations". The recent skyrocketing rates of youth using e-cigarette and vape products demands immediate and effective action. Without a license, there is little incentive for retailers to obey laws and be diligent about tobacco sales.

In an effort to mitigate this problem, Clatsop County Public Health Department is working to pass a tobacco retail licensing ordinance (TRL), which would require tobacco retailers to purchase a license to sell tobacco products. The annual licensing fee would go directly to local enforcement and support monitoring, educating retail staff and ensuring retailers are abiding by state tobacco laws.

Tobacco retailer forums were held in Astoria, Seaside, Warrenton and Cannon Beach in the summer of 2018 to inform retailers of this effort and listen to, and answer, any questions or concerns they might have. Fifty-five retailers received written invitations to these forums. Announcements in the local papers were sent out as well. A total of three retailers attended and none expressed opposition to the TRL proposal. The following assessment was conducted in an attempt to solicit more retailer input and determine the level of readiness to adopt TRL among the retailers in Clatsop County.

Definitions

Vaping: The act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device

Tobacco Retailer Assessment

E-cigarette: Inhalant delivery system that allows user to mimic the act of smoking conventional cigarettes. They contain the same addictive ingredient, nicotine, as conventional cigarettes. But instead of smoke from burning tobacco, users inhale aerosol consisting of highly concentrated and potent nicotine, flavor additives and other chemicals. Marijuana and other substances can also be used in e-cigarettes

Inhalant Delivery System: A device that can be used to deliver nicotine or cannabinoids in the form of vapor or aerosol to a person inhaling from the device; or a component of a device or substance in any form sold for the purpose of being vaporized or aerosolized by a device, regardless of whether or not the component or substance is sold separately

Tobacco Product: Cigarettes, cigars, pipes and other smoking products, dip, chew, snuff, snus and any other smokeless tobacco product, and nicotine delivery devices such as electronic cigarettes, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation.

METHODOLOGY

In May and June 2019, Clatsop County Public Health interviewed 11 staff of tobacco retail locations in Clatsop County regarding their experience with youth purchasing tobacco and vaping products and their thoughts on strategies to prevent access to these products. Participants were owners, staff, or managers of retail establishments that sold tobacco. Recruitment was done by calling retailers to ask for their participation using a script. 48 out of 60 retailers from all five cities in Clatsop County were called. If no contact was made on first call, a second call was placed the next week. Participants were given the option of in-person or phone interviews and responded to a standardized assessment interview tool. In-person interviews were conducted by two Health Promotion Specialists at the retail location. Phone-interviews were conducted by one Health Promotion Specialist that called the retailer at an agreed upon time. Answers were recorded on assessment tool consisting of 18 questions. Participants received a \$25 visa gift card at the end of the interview. Questions included a mix of open-ended questions, multiple choice, and Likert scale questions.

RESULTS

Demographics

Type of Retailers

| | |
|----------------------------------|---|
| Grocery store | 2 |
| Vape shop | 1 |
| Gas station/mini-mart | 4 |
| Independent "mom and pop" | 2 |
| Liquor Store | 1 |

1. Type of Staff

| | |
|---------|---|
| Manager | 6 |
| Owner | 4 |
| Staff | 1 |

2. Length of Time in Business

| | |
|--------------------|---|
| 6 months or less | 1 |
| 1 year or less | 1 |
| 1-3 years | 2 |
| 3-5 years | 2 |
| 5-10 years | 2 |
| more than 10 years | 3 |

3. and 4. Knowledge of Oregon tobacco sales laws: Every retailer answered correctly when asked questions about the legal purchasing age of tobacco and vaping products in Oregon: 21 years and older. *Figures 1 and 2.*

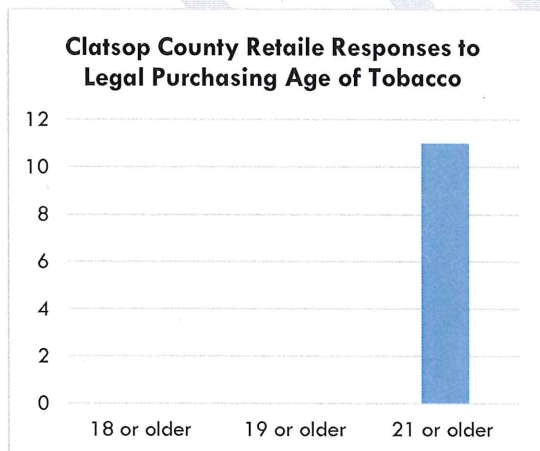


Figure 1

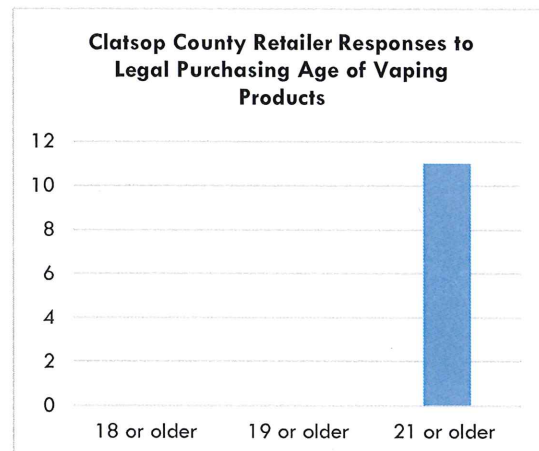


Figure 2

5. Experience of minors attempting to purchase tobacco or electronic nicotine delivery systems illegally: A Likert Scale determined that the majority of retailers had experienced minors attempting to illegal purchase these products with three answering “strongly agree” and two answering “somewhat agree”; two participants were neutral answering with “neither agree nor disagree”; and four participants disagreed with this statement with zero answering “somewhat disagree” and four answering with “strongly disagree.” *Figure 3*

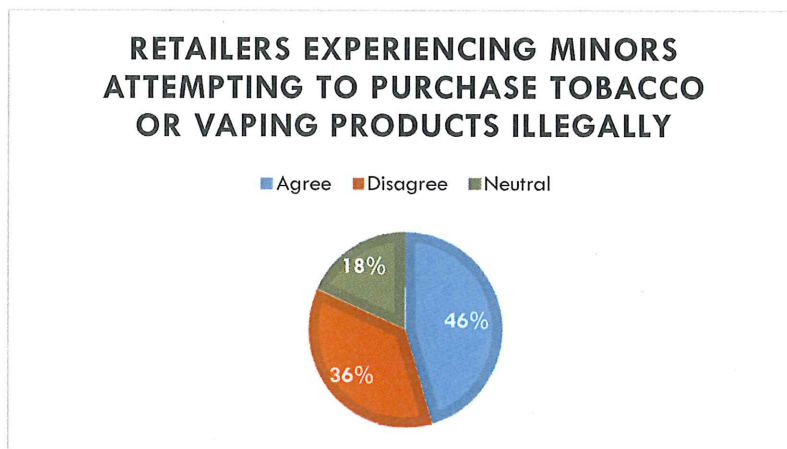


Figure 3

Training and Educational

6. Training policies and programs used to educate employees on sale of tobacco and vaping products: This was an open-ended question. Many answered that the register prompts them to ask for ID and scan if the item’s barcode is tobacco or alcohol. Others used this in addition to a policy that emphasizes carding policy with a minimum age to check ID and signs that remind the clerk and customer of the date that is the minimum to sell tobacco to. Less popular mentioned were management training employees and or OLCC training as well as training material that is provided to them from tobacco companies. One retailer mentioned hiring an outside company to monitor his stores that employees are abiding by laws, not stealing, and customer satisfaction. *Figure 4.*

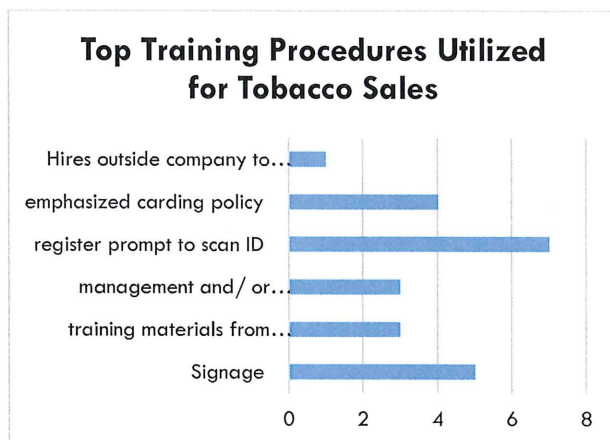


Figure 4

7. How are policies and programs are working at preventing sales of tobacco/vaping products to minors: Overall, retailers responded that these are working very well with nine responding with “strongly agree” and two with “somewhat agree.”

8. Protocol for dealing with a clerk that has sold tobacco or vaping products to a minor: This was an open-ended question. Most retailers immediately terminated employee if they become aware of this situation. Others use a write-up 3 strike policy, inform police, look for further educational training instead of termination, and alert the OLCC. *Figure 5.*

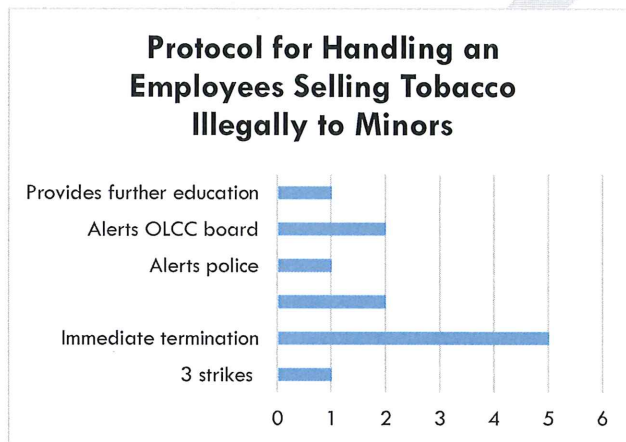


Figure 5

9. Upon providing a space that allowed retailers to indicate if Clatsop County Public Health Department can do anything to support the education and training efforts, participants appeared confident as five responded “no”, five responded “unsure”, and only one responded with “yes” and requested signs and stickers for his store.

Tobacco Retail License

A brief background on what the tobacco retail license is and how it would work was read to the participant before asking the following questions.

10. Support of a tobacco retail license if it would prevent underage youth from starting using tobacco or vaping products: A mixed response overall found that three responded with “strongly agree”; one “somewhat agree”; zero “neutral” and “somewhat disagree”; three “strongly disagree”; and three “need more information.” *Figure 6.*

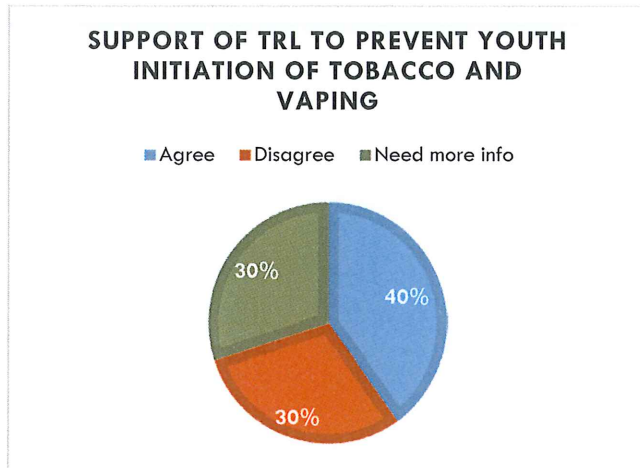


Figure 6

11. Opinion of what the penalty should be for retailers who continually break the law by selling tobacco or vaping products to minors: This was an open-ended question. The majority of retailers answered that the retailers should not be able to sell tobacco anymore and license should be revoked. Others responded with fines, mandated classes, and fees as penalties to the clerk or distributor and not the owner. *Figure 7.*

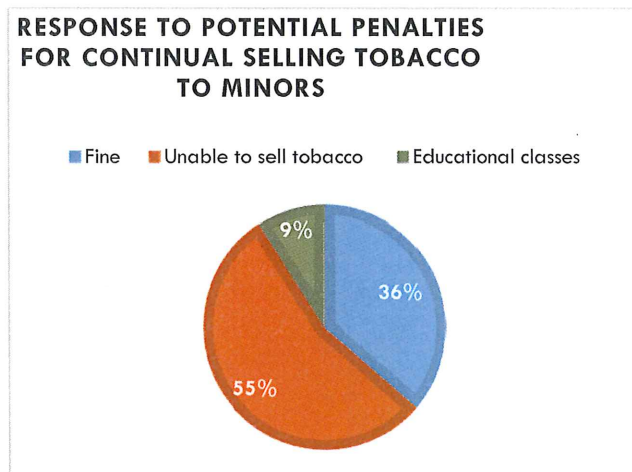


Figure 7

12. Business impact from

implementing TRL: This was an open-ended question. The majority of responses said their business would not be impacted. One was unsure because they were not the owner, another said he would stop selling tobacco products because he does not sell enough to justify and expensive licensing fee and it was not worth it, and another said the only impact would be another fee on top of other fees he pays as a business owner. See figure 8

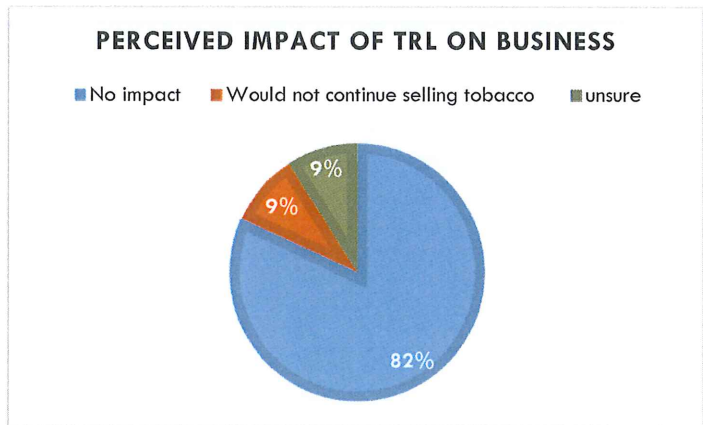


Figure 8

Flavored Products

Participants were read background information of the evidence-based strategy to reducing and preventing youth from beginning to use tobacco and vaping products.

13. Discontinuing sale of flavored products to reduce or prevent youth from using these products:

This was a Likert scale question. Results were mixed with two retailers that did not carry flavored products already, three "strongly agree"; four "somewhat agree"; one was neutral answering "neither agree nor disagree"; and one "strongly disagrees." Figure 9

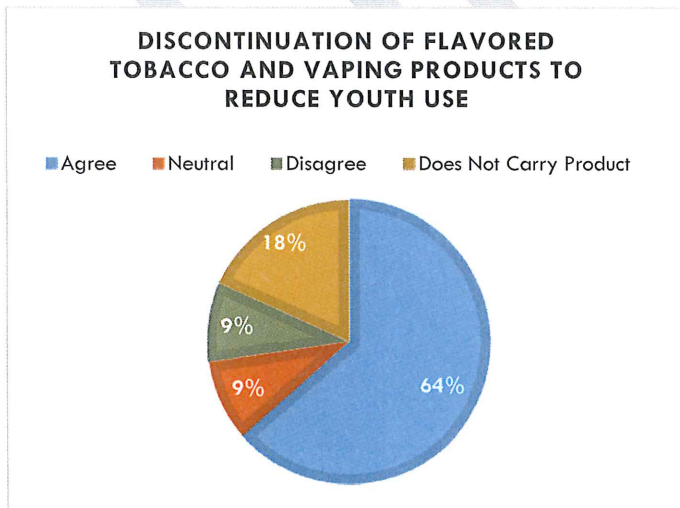


Figure 9

14. Discontinue the sale of vaping products to prevent youth from using: Likert scale question. three participants did not carry vaping products; one answered “strongly agree” and four “somewhat agree”; two respondents were neutral with “neither agree nor disagree”; and one “strongly disagreed.” See figure 10



Figure 10

Pack size and Pricing

Participants were read background on each respective topic of pack size and then minimum pricing strategies that have been used to prevent youth tobacco use. After background was read, a Likert scale question was asked.

15. Support of a law that makes tobacco more expensive by setting minimum price for tobacco products sold in Oregon: Overall, this answer was mixed with four “strongly agree” and one “somewhat agree”; two “somewhat disagree” and four “strongly disagree”. See figure 11

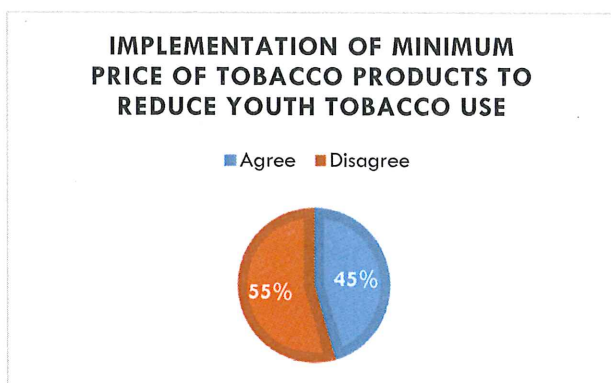


Figure 11

DRAFT

Tobacco Retailer Assessment

16. Support of a law that sets minimum package sizes for non-cigarette tobacco products sold in Oregon: Two participants answered with “strongly agree” and three “somewhat agree”; three were neutral answering “neither agree nor disagree”; and three “strongly disagree” *Figure 12*

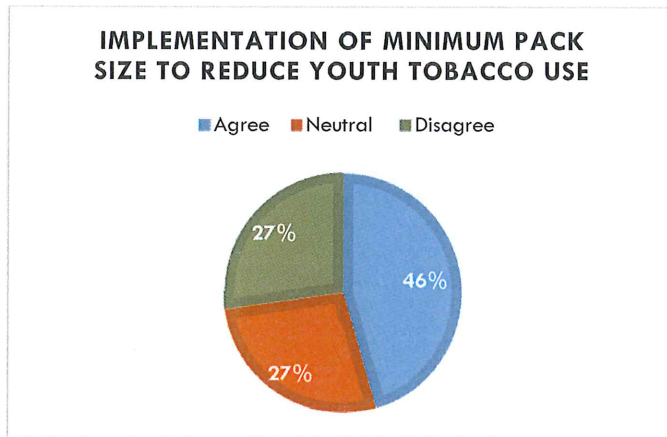


Figure 12

Conclusions

This retailer assessment was created to include retailers in the TRL efforts and offer a platform to voice concerns, needs, and ask questions as they are a prominent stakeholder in this initiative. In conclusion, the retailers that were interviewed are interested in protecting youth from tobacco and nicotine addiction. They also feel that retailers who sell tobacco to minors should face penalties to the extent of losing their license. Based on the findings from this report, there is positive retailer support for a TRL ordinance in Clatsop County.

Contact Information

| | |
|---|---|
| Jill Quackenbush Prevention Coordinator Clatsop County Public Health 503.325.8673 x 1 jquackenbush@co.clatsop.or.us | Julia Hesse Health Promotion Specialist Clatsop County Public Health 503.325.8500 jhesse@co.clatsop.or.us |
|---|---|

¹ National Academies of Sciences, Engineering, Medicine Publication: Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

In the Matter of Licensing Retail Sales)
of Tobacco Products)
)

ORDINANCE No. 2019-0__

The People of Clatsop County, Oregon, ordain as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2019-0__ the "Clatsop County Retail Sales of Tobacco Product Licensing Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to Chapter 3, Section 8 of the Clatsop County Home Rule Charter.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to regulate the sale of tobacco and inhalant delivery products with a goal of enhancing public health and preventing teenagers from accessing tobacco or inhalant products.

SECTION 4. ADOPTION.

The Board of County Commissioners hereby adopts the Clatsop County Retail Sales of Tobacco Products Licensing Ordinance as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on any appeal, such portion shall be deemed a separate, distinct and independent portion. Any such holding shall not affect the validity of the remaining portions.

SECTION 6. SCRIVENER'S ERRORS.

A scrivener's error in any portion of this ordinance or its attachments may be corrected by order of the Board of County Commissioners.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective 30 days after passage.

Dated this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

By _____,
_____, Chair

By _____
Theresa Dursse, Recording Secretary

First Reading: _____

Second Reading: _____

DRAFT

EXHIBIT A

1. Definitions.

The following words and phrases, whenever used in this ordinance, shall have the meanings defined herein unless the context clearly requires otherwise:

- A. "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of any violations of this ordinance is not an Arm's Length Transaction.
- B. "Cigar" means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, and that is not defined as a cigarette under Oregon Revised Statutes Section 323.010.
- C. "Department" means Clatsop County Public Health and any agency or Person designated by the Department to enforce or administer the provisions of this ordinance.
- D. "Inhalant Delivery System" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device, or a component of such a device or a substance in any form sold for the purpose of being vaporized or aerosolized by such a device, whether the component or substance is sold separately or is not sold separately. "Inhalant Delivery System" does not include Tobacco Products and does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any therapeutic purpose, if the product is marketed and sold solely for that approved purpose.
- E. "Listed or Non-Discounted Price" means the higher of the price listed for a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System on its package or the price listed on any related shelving, posting, advertising or display at the place where any such products are sold or offered for sale. Listed or Non-Discounted Price includes all applicable taxes if such taxes are not included in the stated price, and before the application of any allowed discounts or coupons.
- F. "Person" means any natural person, business, partnership, cooperative association, employer, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including a government agency.
- G. "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can, does have, or shares ultimate control over the day-to-day operations of a business.
- H. "Tobacco Paraphernalia" means cigarette papers, wrappers, pipes, cigarette rolling machines, and any other item designed for the consumption, use, or preparation of any Tobacco Product.
- I. "Tobacco Product" means any bidi, cigarette, as defined in Oregon Revised Statutes, Section 323.010 (definitions for ORS323.005 to 323.482), cigar, cheroot, stogie, perique, granulated, plug

cut, crimp cut, ready rubbed, pipe tobacco and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, snus, short, refuse scrap, clipping, cutting, and sweeping of tobacco. "Tobacco Product" also means any device that can be used to deliver tobacco products to a person using the device. "Tobacco Product" does not include any drug, device, or combination product authorized by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.

- J. "Tobacco Retailer" means any Proprietor or entity, as defined in Oregon Revised Statutes Section 60.001 that sells, offers for sale, or exchanges or offers to exchange, for any form of consideration, any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems sold, offered for sale, exchanged, or offered for exchange.

2. License required.

- A. A Tobacco Retailer License is required for each address at which any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is sold, exchanged, or offered for sale or exchange.
- B. Each applicant for a Tobacco Retailer license must meet all requirements of this ordinance and all rules adopted pursuant to this ordinance, and all federal, state, and local laws relating to the retail sale of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems.
- C. A Tobacco Retailer may only make Tobacco Products available from a licensed, fixed location. Tobacco Retailing by natural persons on foot or from vehicles or mobile units is prohibited.
- D. Application for a Tobacco Retailer license shall be made on forms provided by Clatsop County and shall be submitted in the name of each Proprietor proposing to conduct Tobacco Retailer sales and signed by each Proprietor or an authorized agent thereof. It shall be the responsibility of each Proprietor to be informed about all applicable laws affecting a Tobacco Retailer license. All applications for a Tobacco Retailer license shall contain the following information:
1. The name, address, and telephone number of each Proprietor of the business seeking a license;
 2. The business name, address, and telephone number of the single fixed location for which a license is sought;
 3. A single name and mailing address authorized by each Proprietor to receive all communications and notices ("the Authorized Address") required by, authorized by, or convenient to the enforcement of this ordinance, provided that, if an Authorized Address is not provided, each Proprietor will be understood to consent to the provision of notice at the business address specified in subparagraph two (2) above;
 4. Proof that the location for which a Tobacco Retailer license is sought has been issued a valid state license for the sale of Tobacco Products, Tobacco Paraphernalia and Inhalant Delivery Device if the Tobacco Retailer sells products that require state licensure;
 5. Whether or not any Proprietor or any agent of the Proprietor has admitted violating, or has been found to have violated, this ordinance and, if so, the dates and locations of all such violations within the previous five (5) years; and
 6. Such other information as the Department deems necessary for the administration and

- enforcement of this ordinance, as specified on the required application form.
- E. A licensed Tobacco Retailer shall inform the Department, in writing, of any change in the information submitted on an application for a Tobacco Retailer license within ten (10) business days of any such change.
 - F. A license fee shall be submitted with an application for a new license or the renewal of a license. The fee shall be established from time to time by resolution of the Clatsop County Board of Commissioners and shall be calculated so as to recover the costs of administration and enforcement of this ordinance including, but not limited to, issuing a license, administering the Tobacco Retailer license program, providing Tobacco Retailer education, conducting Tobacco Retailer inspections and compliance checks, documenting violations, and prosecuting alleged violators. The fee established shall not exceed the costs of the administration and enforcement of this ordinance. All fees and interest upon proceeds of fees shall be used exclusively to fund the costs of the administration and enforcement of this ordinance.
 - G. All information specified in an application pursuant to this section is subject to disclosure under the Oregon Public Records Act or any other applicable law, subject to the laws' exemptions.
 - H. All Tobacco Retailer licenses issued are valid for one calendar year from the date of issuance.
 - I. Each Tobacco Retailer license shall be prominently displayed in plain view of the general public at each licensed location and shall be exhibited to any person upon request.
 - J. As part of program administration, the Department shall provide educational resources to licensed Tobacco Retailers to support compliance with the license requirements. Upon request, the Department shall provide educational materials in the preferred language of a Tobacco Retailer. In addition to the provision of educational materials, the Department, in its discretion, may offer Tobacco Retailers, including managers or other employees, annual, free, culturally responsive training on federal, state, and local laws affecting Tobacco Retailers and Tobacco Retailing to support clerks, managers, and owners in meeting applicable legal requirements. The Department shall update its educational resources when federal, state, or local laws are enacted and provide the updated resources to Tobacco Retailers in a timely manner.
- 3. Prohibition within 1000 feet of school.** No license will be issued to a Tobacco Retailer located within 1,000 feet of any school as follows:
- A. Except as provided in subsection (B), no Tobacco Retailer license will be issued within one thousand (1,000) feet of a school as measured by a straight line from the nearest point of the property line of the lot or parcel on which the school is located to the nearest point of the property line of the parcel on which the applicant's business is located. For the purposes of this subsection, a "school" a public kindergarten, elementary, middle, junior high or high school.
 - B. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, is exempt from the requirements of section (A) above. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, that would otherwise be ineligible to receive or renew a Tobacco Retailer license due to the creation or relocation of a school is exempt from the

requirements of this subsection.

4. License Conveys a Limited, Conditional Privilege.

Nothing in this ordinance grants any Person obtaining and maintaining a Tobacco Retailer's license any status or right other than the limited conditional privilege to act as a Tobacco Retailer at the location identified on the face of the license. Nothing in this Ordinance renders inapplicable, supersedes, or applies in lieu of any other provision of applicable law, including but not limited to, any provision of this Ordinance, or any condition or limitation on smoking in an enclosed place of employment under ORS 433.847 and OAR 333-015-0068 or other federal or local ordinances. Obtaining a Tobacco Retailer's license does not make the Tobacco Retailer a certified smoke shop under ORS 433.847 and OAR 333-015-0068.

5. Grounds for denial of license.

Upon receipt of a complete application for a Tobacco Retailer license and the license fee required by this ordinance, the Department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- A. The information presented in the application is inaccurate, misleading, or false. Intentionally supplying inaccurate, misleading, or false information shall be a violation of this ordinance;
- B. The application seeks authorization for a Tobacco Retailer license at a location for which this ordinance prohibits issuance of a Tobacco Retailer license. This subparagraph shall not constitute a basis for denial of a license if the applicant provides Clatsop County with clear and convincing evidence that the applicant has acquired, or is acquiring, the location or business in an Arm's Length Transaction from a Tobacco Retailer that is exempt from all applicable location prohibitions in this ordinance;
- C. The application seeks a Tobacco Retailer license for a Proprietor to whom this ordinance prohibits a license to be issued; or
- D. The application seeks a Tobacco Retailer license for activities that are prohibited by law or municipal Ordinance including, without limitation, a zoning ordinance, building code, or business license, or that is unlawful pursuant to any other local, state, or federal law.

6. License renewal and expiration.

- A. A Tobacco Retailer license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. Each Tobacco Retailer shall apply for the renewal of the license and submit the license fee no later than thirty (30) days prior to expiration of the one-year license term.
- B. A Tobacco Retailer license that is not timely renewed will expire at the end of its one-year term. To renew a license not timely renewed as described herein, the Tobacco Retailer must:
 - 1. Submit the license fee and application renewal form; and
 - 2. Submit a signed and notarized affidavit affirming that the Tobacco Retailer:
 - (a) Has not sold and will not sell any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System after the license expiration date and before the license is renewed; or
 - (b) Has waited the period of time required by Section 10 of this ordinance, for the violation of

Tobacco Retailing without a valid license, before seeking renewal of the license.

7. Licenses nontransferable.

Tobacco Retailer license may not be transferred from one Tobacco Retailer to another or from one location to another. Any prior violation of this ordinance at any location will continue to be counted against a location unless the location has been transferred to new proprietors(s) in an Arm's Length Transaction and the new proprietors provide the Department with clear and convincing evidence, that the business has been acquired in an Arm's Length Transaction.

8. Prohibitions.

- A. No Person who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall make available, dispense, sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System:
 - 1. Without a valid Tobacco Retailer license.
 - 2. Outside original packaging containing health warnings required under federal law.
 - 3. By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.
- B. No Person shall sell, exchange, transfer, offer to sell, exchange or transfer, or otherwise distribute any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person under the minimum legal sales age of twenty-one (21).
 - 1. No Person who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall sell, exchange, transfer, offer to sell, exchange or transfer, or otherwise distribute a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to another Person who appears to be under the age of thirty (30) years without first examining the government-issued photographic identification of the recipient to confirm that the recipient is at least the minimum legal sales age to purchase and possess the Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System.
 - 2. No Person engaged in Tobacco Retailing shall locate any Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems in any location in a retail store or other establishment where such products are accessible by a customer without the assistance of a Tobacco Retailer or an employee or agent of the Tobacco Retailer. This prohibition does not apply to a Person in a licensed establishment that is permanently and entirely off-limits to Persons under the age of twenty-one (21) and that prohibits Persons under twenty-one (21) from entering the establishment at any time.
- C. No Tobacco Retailer with a license issued under this ordinance, nor any employee or agent of same, shall:
 - 1. Accept or redeem, offer to accept or redeem, or cause or hire any Person to accept, redeem, or offer to accept or redeem any coupon that provides any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge or for less than the listed or non-discounted price; or

2. Sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person through any multi-pack discounts, such as a buy-two-get-one-free discount or a cents- or dollars-off discount, or otherwise provide or distribute to any Person any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge, or for less than the listed or non-discounted price, in exchange for the purchase of any other Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System; or
 3. Distribute, or cause to be distributed, any free or nominally-priced sample of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System at any retail location or at any other public place within Clatsop County.
- D. A Person without a valid Tobacco Retailer license, including, but not limited to, a Person whose license has been suspended, revoked, or not renewed shall keep all Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems out of public view, and shall not display any indoor outdoor advertisement or otherwise publish or distribute any advertisement relating to a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that promotes the sale or distribution of such products from the Tobacco Retailer location or that could lead a reasonable consumer to believe that such products can be obtained at that location. The public display of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System in violation of this provision shall constitute Tobacco Retailing without a license.
- E. It is a violation of this ordinance to fail to comply with license provisions or rules adopted pursuant to this ordinance and federal, state, and local laws relating to Tobacco Retailing.

9. Enforcement and monitoring.

- A. The Department will monitor and enforce compliance with this Ordinance. In addition, any peace officers may enforce the penal provisions of this Ordinance and Clatsop County Code Compliance Specialist may enforce compliance with this Ordinance.
- B. The Department will endeavor to inspect each Tobacco Retailer at least one time per twelve-month period. Nothing in this paragraph creates a right of action in any licensee or other Person against the County, Department or its agents.

10. Administrative penalties, license suspension or revocation.

- A. In addition to any other penalty authorized by law, a Tobacco Retailer shall be charged an administrative penalty and the Tobacco Retailer's license shall be suspended or revoked if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of the evidence, after the Tobacco Retailer is afforded notice and an opportunity to be heard, that the Tobacco Retailer, or any agent or employee of the licensee, has violated any of the requirements, conditions, or prohibitions of this ordinance or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 8 above.
1. Upon a finding by the Department of a first violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$500 for a first violation.
 2. Upon a finding by the Department of a second violation of this ordinance at a location within any

- twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$2500 and the Tobacco Retailer's license shall be suspended for thirty (30) days.
3. Upon a finding by the Department of a third violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$5000 and the Tobacco Retailer's license shall be suspended for ninety (90) days.
 4. Upon a finding by the Department of four or more violations of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$7500 and the Tobacco Retailer's license shall be revoked.
- B. A decision of the Department to assess a penalty and suspend or revoke a license is appealable to the Clatsop County Manager. Any appeal must be filed in writing with the County Manager within ten (10) days of mailing of the Department's decision. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the County Manager is not available for a revocation made pursuant to subsection (C) below.
- C. A Tobacco Retailer license shall be revoked if the Department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under this Ordinance existed at the time application was made or at any time before the license issued. The decision by the Department shall be the final decision of Clatsop County. Such a revocation shall be without prejudice to the filing of a new license application.

11. Tobacco retailing without a valid license.

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer license, either directly or through any agent or employee of the Person, the Person shall be ineligible to apply for, or to be issued, a Tobacco Retailer license as follows:
1. After a first violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.
 2. After a second violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.
 3. After of a third or subsequent violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until five (5) years have passed from the date of the violation.

- B. Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems offered for sale or exchange in violation of this section are subject to seizure by the Department or any peace officer and shall be forfeited after the licensee and any other owner of any Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems seized is given reasonable notice and an opportunity to demonstrate that the Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems were not offered for sale or exchange in violation of this ordinance. The decision by the Department may be appealed pursuant to the procedures set forth in Section 10B. Forfeited Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems shall be destroyed after all internal appeals have been exhausted.
- C. For the purposes of the civil remedies provided by this Ordinance, each day on which a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is offered for sale in violation of this ordinance, or each individual Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that is distributed, sold, or offered for sale in violation of this ordinance, shall constitute a separate violation of this ordinance.

12. Additional remedies.

- A. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.
- B. Violations of this ordinance are hereby declared to be public nuisances and may be abated pursuant to Chapter 1.12 of the Clatsop County Code.
- C. In addition to other remedies provided in this ordinance, municipal code, or by other law, any violation this ordinance may be remedied by a civil action including, for example, through administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

8-B



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Mathew J. Workman, Chief of Police
DATE: July 23, 2019
SUBJ: RV Camping Permits

SUMMARY

The Warrenton Police Department is responsible for issuing permits to camp in an RV on private property for up to 48-hours or longer with the discretion of the Chief of Police per City Code 12.28.030. Recently, applications were submitted to camp in RV's for 45-days by two Fishing Guides as a "Seasonal Business" under Code 12.28.040 which requires a different permit and to go before the City Commission. We would like to have the City Commission review both of these Codes and decide if Fishing Guides qualify as a seasonal business, if the process(es) need to be modified or not, and if the wording of the Code should also be modified.

RECOMMENDATION/SUGGESTED MOTION

Staff would like to have the Chief of Police retain the discretion to grant a permit length greater than 48-hours after reviewing the request and circumstances around it. Staff has no opinion as to whether the language needs to change or stay as is. Staff would also like to see Fishing Guides who hold a current Warrenton Business License to be eligible for the "Seasonal Business" RV camping exception and to have the current permit modified so it can be processed by the WPD and not have to go through Commission. Staff does not have an opinion on whether other types of "seasonal businesses" should still have to go before Commission for approval but would like to use the current permit and not have to create a different permit for the process.

No Motion. Asking for direction from Commission and if changes are directed, we will return later to go through the process of getting the Municipal Code changed after getting them vetted by the City Attorney.

ALTERNATIVE

Multiple alternatives, from leaving the code(s) as written to changing the language altogether.

FISCAL IMPACT

None.

ATTACHMENTS:

Warrenton Police memorandum containing the background on this discussion item and the City of Warrenton Recreational Vehicle Parking and Overnight Camping in Non-Designated Areas packet.

Approved by City Manager:

A handwritten signature in blue ink, reading "Linda Engelson", written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.



**WARRENTON POLICE DEPARTMENT
MEMORANDUM**



TO: WARRENTON CITY COMMISSION

FROM: MATHEW J. WORKMAN, CHIEF OF POLICE

DATE: JULY 23, 2019

SUBJECT: RV CAMPING PERMITS DISCUSSION

CC:

Background:

In 2013, the Warrenton City Commission modified the "Camping Ordinance" (Chapter 12.28) to address the use of Recreational Vehicles (RV) within the City Limits. The change came when during the Buoy 10 fishing season (essentially the month of August) all of the local campgrounds that support RV's were full and a sizable number of RV's were being used at various private residences around town. The City Commission recognized the space problem and were not opposed to this but wanted to make sure there was some rules, regulation, and the ability to enforce ordinances by the Police.

The resulting ordinance modifications read as follows:

12.28.030 Use of RV on private residential property.

- A. No recreational vehicle or trailer shall be used for sleeping or lodging purposes outside of designated camping areas except by special permit from the City, said permit to be limited to one vehicle only at any one time. Permits may be obtained from City Hall for a period of up to 48 hours for parking of recreational vehicles on private residential property that is not designated as a camping area. Permits must be obtained in advance of parking the recreational vehicle or trailer in residential areas.***
- B. Parking must be in such a manner as not to cause a traffic hazard. There can be no discharge of wastes of any sort except into proper sewer or septic systems. (Ord. 1179-A § 4, 2013)***

This modification has generally worked during the year with various people coming to the Police Department to get a Permit (see attached packet) and the Permits being reviewed by the Chief of Police. The City Manager at the time had allowed me some lee-way to grant more than 48-hours with my discretion on a case-by-case basis but the standard permit is no more than 48-hours.

This process, for the most part, worked until the Buoy 10 season would occur. During the Buoy 10 season people with RV's wanted to camp for the entire month of August which is well beyond the 48-hour maximum. This included several Fishing Guides who were camping around 45-days. Again, the City Manager at the time allowed me to grant the extended permits but for the month of August only and mostly based on the fact all of the available campgrounds were full. Availability of RV spaces has increased over the last few years with the Marinas offering camping spaces, but we are still short. This

seemed to work except for a couple of private residences who were having more than two RV's camp on the property for the entire month.

Earlier this year the Building Official (Bob Johnston) brought to my attention that a property cannot have more than two RV's on it as it is then considered an RV Park and must be zoned as such and meet several requirements. It was also brought to my attention that the Fishing Guides who are camping in RV's want to obtain a permit for around 45-days under the "Seasonal Business" part of the ordinance. That section reads as follows:

12.28.040 Use of RV for seasonal businesses.

Special permits for seasonal businesses may be issued for no more than one recreational vehicle as registered to owner/manager of said business, for up to four months upon application and approval by the Commission of the City of Warrenton. Application, approval and issuance of the permit must take place before the recreational vehicle is placed upon the property. The unit must not create a traffic hazard and cannot discharge wastes of any kind except into proper sewer or septic systems. Arrangements must be made with the Sanitation Department for regular pickup of garbage. (Ord. 1179-A § 5, 2013)

The only permit the City has for RV camping is the attached permit that comes through the Police Department and is limited to 48-hours, with discretion of the Chief on a case-by-case basis. I cannot remember an RV Permit coming before the City Commission under the "Seasonal Business" section of the ordinance. I do remember a discussion between the City Commission and a resident on Russell Dr. and the Commission following the Camping Ordinance at that time.

Issues and Guidance:

Here are the issues I have identified for the City Commission to discuss and you can add any additional issues that you may have thought of:

1. Code 12.28.030
 - a. Are you comfortable with Code 12.28.030 as written and the unwritten discretion the Chief of Police has been given to grant longer than the 48-hours?
 - b. Should this Code be modified to capture the discretion or left as written?
 - c. Are there any other restrictions or language that should be added or removed since we are looking at it?

2. Code 12.28.040
 - a. Does the Commission believe that applicants for this Permit need to come before the Commission for approval and issuance of the permit? Or, should this permit be processed through the Police Department like the other RV Camping permit?
 - b. Do we need to make a 2nd RV Camping permit or modify the permit used in 12.28.040 to cover this type of RV use?
 - c. Should Fishing Guides who have a Warrenton Business License be viewed as a "Seasonal Business" and qualify for Code 12.28.040?

I have attached the RV Parking and Overnight Camping in Non-Designated Areas packet for you review.



Recreational Vehicle Parking and Overnight Camping in Non-Designated Areas

The City of Warrenton regulates the parking of recreational vehicles and the use of recreational vehicles for lodging within the city limits. To help explain these regulations the City provides this packet. If you have further questions you can visit the Warrenton City Hall (225 S. Main Ave.) or call City Hall (503-861-2233) or call the Warrenton Police Department (503-861-2235).

Recreational Vehicle Parking Chapter 10.16

10.16.010 Findings.

The Warrenton City Commission finds that camping or recreational trailers parked, except during daylight hours, for purposes of lodging or sleeping, in City-owned areas create a hazard to public safety. (Ord. 915-A § 1, 1993)

10.16.020 Parking restrictions.

No recreational vehicle or trailer shall be parked or stored upon property designated as marinas, City parks, or vacant land within the City limits of Warrenton, for the purpose of lodging or sleeping therein, except during daylight hours. (Ord. 915-A § 2, 1993)

10.16.030 In designated areas only.

Motorhomes, pick-up campers and trailers will be parked only in the designated areas within the marinas, City parks and vacant land. Parking shall be in such a manner that, in the opinion of the Harbormaster and the Police Department, it constitutes no obstruction to traffic or hazard to public safety. (Ord. 915-A § 3, 1993)

10.16.040 Camping facilities.

Public camping facilities are available within a short distance of the City-owned property. (Ord. 915-A § 4, 1993)

10.16.050 Penalty.

Any person who violates this chapter will be cited by the Warrenton Police Department and subject to a fine of not more than \$300.00. (Ord. 915-A § 5, 1993)

Camping Chapter 12.28

12.28.030 Use if RV on private residential property.

A. No recreational vehicle or trailer shall be used for sleeping or lodging purposes outside of designated camping areas except by special permit from the City, said permit to be limited to one vehicle only at any one time. Permits may be obtained from City Hall for a period of up to 48 hours for parking of recreational vehicles on private residential property that is not designated as a camping area. Permits must be obtained in advance of parking the recreational vehicle or trailer in residential areas.

B. Parking must be in such a manner as not to cause a traffic hazard. There can be no discharge of wastes of any sort except into proper sewer or septic systems. (Ord. 1179-A § 4, 2013)

12.28.040 Use of RV for seasonal businesses.

Special permits for seasonal businesses may be issued for no more than one recreational vehicle as registered to owner/manager of said business, for up to four months upon application and approval by the Commission of the City of Warrenton. Application, approval and issuance of the permit must take place before the recreational vehicle is placed upon the property. The unit must not create a traffic hazard and cannot discharge wastes of any kind except into proper sewer or septic systems. Arrangements must be made with the Sanitation Department for regular pickup of garbage. (Ord. 1179-A § 5, 2013)

12.28.070 Enforcement and penalty.

Anyone in violation of this chapter will be cited by the Warrenton Police Department. Violations are punishable by a fine of not more than \$300.00. (Ord. 1179-A § 8, 2013)

**APPLICATION FOR OVERNIGHT RV CAMPING
IN NON-DESIGNATED AREAS**

(Complete the "Application" and bring to the Police Department during business hours)

Name of Applicant: _____

Address: _____

Telephone: (Home) _____ (Cell) _____

Person Responsible (at site, if different from applicant): _____

How can this person be contacted?: _____

Proposed Location: _____

Proposed Dates (Not to exceed 48-hours): _____

RV Information: Make: _____ Model: _____

 License #: _____ State: _____

Property Owner/Operator: _____

Address: _____

Telephone: (Home) _____ (Cell) _____

This permit is subject to the following Rules, Regulations and Conditions:

- Permit is not valid after the designated date and time.
- Application must bear signature of *Applicant* and *Property Owner* (or responsible operator with authority).
- The location must be cleaned by applicant with the time limit prescribed on the approved permit. Should it become necessary for the City to clean the location after the expiration of this permit, a fee equal to all actual costs shall be charged to the applicant.
- All camping units must be self-contained or have access to garbage and restroom facilities which are provided for and maintained by the applicant or property owner.
- No waste material of any kind may be discharged within the City limits, except at designated sites.
- Conditions (as determined and required by the City) : _____

- Permittee must comply with all applicable City or State laws and regulations. This permit may be revoked summarily by any police officer if it is determined that the permittee has not complied with the rules, regulations and conditions of this permit, or, if it is necessary for the peace, safety, health or welfare of the City.
-

(PLEASE READ CAREFULLY)

I have the authority to sign and do hereby agree to the rules, regulations and conditions as set forth in the attached application for permit for overnight camping in areas not designated for that purpose. I agree to hold the City of Warrenton and its officers or employees harmless from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as the result of the activity undertaken under the terms of this permit and that all of said liabilities are hereby assumed by me.

Applicant Signature

Date

Property Owner/Operator Signature

Date



*****PERMIT*****

Overnight Camping in Non-Designated Areas

To Be Completed By Police Department

EFFECTIVE DATES & TIMES: _____

LOCATION: _____

APPLICANT: _____

RESPONSIBLE PERSON: _____

PROPERTY OWNED BY: _____

The undersigned does hereby grant a permit as provided for by Warrenton Municipal Code 12.28.030 and in accordance with the information and conditions as described in the attached application for said permit.

Date this _____ day of _____, 20__.

Chief of Police (or Designee): _____

*** City to keep **original Application** and **original Permit**, provide photo copies stamped "COPY" to applicant ***