

For: Monday, **December 12, 2016**, City Council Meeting

Advance Packet Information

Included in this packet is documentation to support the following Agenda items:

ORDINANCES

1. Ordinance 16-O-766 amending Section 17.124.170 of Chapter 17.124, Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code. [Planning, Pg. 2]
 - a. Ordinance 16-O-766 [Pg. 3]
2. Ordinance 16-O-767 adding Chapter 5.15, Transportation Network Companies, to the Brookings Municipal Code. [City Manager, Pg. 5]
 - a. Ordinance 16-O-767 [Pg. 6]
3. Ordinance 16-O-768 amending Brookings Municipal Code Sub-Section A of Section 5.10.040, Annual License Fee, and Sub-Section B and C-2 of Section 5.10.050, Taxicabs, Operator Requirements. [City Manager, Pg. 11]
 - a. Ordinance 16-O-768 [Pg. 12]
 - b. Section 5.10.040 edits [Pg. 14]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: December 12, 2016

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Originating Dept: PWDS - Planning

Subject: Ordinance amending Section 17.124.170 of Chapter 17.124, Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 16-O-766.

Financial Impact: None.
Approved by Finance & Human Resources Director: [Signature]

Background/Discussion: Revisions to require a minor change to an approved conditional use permit for a short-term rental upon a change in ownership of property was considered and approved by the City Council at their November 14, 2016 meeting. The minor change application will allow the Planning Commission to verify that the new owner meets all the criteria of BMC Chapter 17.124.170.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 16-O-766.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-766**

IN THE MATTER OF ORDINANCE 16-O-766, AN ORDINANCE AMENDING SECTION 17.124.170 OF CHAPTER 17.124, SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 17.124.170.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.124.170 of Chapter 17.124 Specific Standards Applying to Conditional Uses, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Section 17.124.170. Section 17.124.170 is amended to read as follows:

17.124.170 Short-term rentals.

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

- A. The property owner or holder shall obtain a business license from the city of Brookings and register the dwelling on a separate form.
- B. A transient room tax will be applied pursuant to Chapter [3.10](#) BMC.
- C. The property owner shall provide the name, address and telephone number of a local representative, either a property management business or an individual living within the Brookings urban growth boundary, who has the authority to make or have repairs made, resolve disputes and/or terminate occupancy if necessary.
- D. Representative's name and telephone number shall be posted within the dwelling.
- E. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.

F. Short-term rental conditional use permits are specific to the owner of the dwelling unit and shall not run with the land. To continue with the use, within six (6) months of the sale of the property, the new owner shall submit an minor change application pursuant to BMC Chapter 17.116.090 to address the criteria in BMC 17.124.170 . If the minor change is not approved by the Planning Commission or no application is submitted, the approval shall terminate.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2016

ATTEST:

Mayor Ron Hedenskog

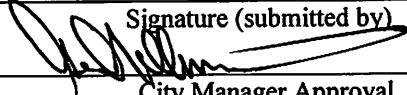
City Recorder Teri Davis

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 12, 2016

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject: Transportation Network Companies (TNC)

Recommended Motion: Motion to adopt Ordinance 16-O-767 adding Chapter 5.15, Transportation Network Companies, to the Brookings Municipal Code.

Financial Impact: Possible increase in permitting revenues

Reviewed by Finance & Human Resources Director: 

Background/Discussion: The most recent trend in private, for-hire transportation is Transportation Network Companies (TNC) such as Uber or Lyft. These services are provided using a mobile app wherein the person requesting the ride registers and provides a credit card number. The TNC uses GIS technology to ascertain the requestor's location and then shows the requestor via a mapping device all of the TNC vehicles in operation in the area at that time. The requestor indicates his destination through the app. The TNC then "tags" the nearest TNC driver to offer them the fare. If the TNC driver accepts, the requestor is notified of an estimated time of arrival and of the cost of the fare. The fare is paid online through a third party credit card payment service. No money changes hands between the TNC driver and the service requestor.

TNCs such as Uber have very strict policies regarding drivers and vehicles. It is considered to be an extremely safe option in for-hire transportation.

As of right now, Brookings has no TNCs in operation inside the city limits. Staff has drafted Ordinance 16-O-767 adding Chapter 5.15, Transportation Network Companies, to the Brookings Municipal Code preemptively should a TNC company want to establish its business here.

Staff recommends adoption of Ordinance 16-O-767.

Attachment(s):

- a. Ordinance 16-O-767

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-767

IN THE MATTER OF ORDINANCE 16-O-767, AN ORDINANCE ADDING CHAPTER 5.15, TRANSPORTATION NETWORK COMPANIES, TO THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Chapter 5.15

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 5.15 to the Brookings Municipal Code.

Section 2. Adds Chapter 5.15: Chapter 5.15, Transportation Network Companies is added to read as follows:

Chapter 5.15
Transportation Network Companies

Sections:

- 5.15.010 Definitions.**
- 5.15.020 Permit to operate required.**
- 5.15.030 Permit application procedures.**
- 5.15.040 Annual license fee.**
- 5.15.050 Operator requirements.**
- 5.15.060 Suspension and revocation of permits.**
- 5.15.070 Insurance required.**
- 5.15.080 License and equipment requirements.**
- 5.15.090 Passenger requirements.**
- 5.15.100 Revocation of license.**
- 5.15.110 Penalty for violation.**

5.10.010 Definitions.

A. "Transportation Network Company" (TNC) means any entity or organization, whether a corporation, partnership, sole proprietor, that connects passengers with affiliated TNC Drivers and TNC Vehicles through an Internet based digital or software platform/application operated by the Transportation Network Company.

B. "Transportation Network Company (TNC) Driver" means any individual operating a private for-hire vehicle who connects with passengers through an Internet based digital or software platform/application operated by an affiliated Transportation Network Company.

C. "Transportation Network Company (TNC) Services" means any private for-hire transportation offered or provided to passengers for compensation by a TNC Driver and TNC Vehicle on behalf of or by an affiliated Transportation Network Company.

D. "Transportation Network Company (TNC) Vehicle" means any vehicle driven by a Transportation Network Company Driver to offer and/or provide Transportation Network Company Services.

5.10.020 Permit to operate required.

It shall be unlawful to engage in the business of operating a Transportation Network Company service within the city of Brookings without first having secured a permit therefor. Such operation of a TNC by any person, firm, or corporation is hereby prohibited unless the owner and/or operator thereof first pays an annual license fee and, based upon the approval of his application, receives from the city of Brookings a permit to so operate said TNC within the corporate limits of the city of Brookings.

5.15.030 Permit application procedures.

All owners and operators of TNCs shall duly file with the city an application for the operation thereof within the corporate limits of the city of Brookings; and further, the form and requirements thereof shall be as prescribed from time to time by the city manager subject only to the review and further amendment thereof by the common council of the city of Brookings.

5.15.040 Annual license fee.

A. No permit for the use and operation of a TNC shall be issued until said application has been approved by the city manager and the payment by application of the annual license fee pursuant to the master fee schedule. Said annual license fee may be adjusted, from time to time, upon motion of the city council; however, all TNC permits issued under this chapter shall begin on the first day of the fiscal year and expire on the last day of said year and no license fee herein required shall be prorated over said fiscal year, but shall be paid in full amount as if the same had been issued on the first day of the fiscal year.

B. The annual license fee, payable in advance, shall be in addition to any other fee required by any other ordinance of the city of Brookings, including but not limited to the business license fee.

5.15.050 Operator requirements.

A. No person shall provide the service of a TNC driver within the city of Brookings without having first obtained a TNC driver's permit.

B. Application for such permit may be made by the payment of a fee to the city of Brookings pursuant to the master fee schedule and shall set forth the name, address, date of birth and Oregon driver's license number of the applicant. The applicant shall provide a two-and-one-half-inch by three-and-one-half-inch photograph to be attached to the TNC driver's permit. A permit may be

issued by the city of Brookings if the applicant satisfactorily passes the police background investigation. The chief of police, or his designee, shall investigate each applicant for a TNC driver's permit. The following shall be cause for the chief of police to deny a permit:

1. The applicant for a TNC driver's permit has been convicted within the previous 36 months of any major traffic offense, as defined by Oregon law, possession of an open container of alcohol or possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs).
2. The applicant for a TNC driver's permit has been convicted of a felony within the previous 36 months;
3. The applicant for a TNC driver's permit has accumulated more than three convictions for moving traffic offenses within the previous 12 months;
4. The applicant for a TNC driver's permit does not hold a valid Oregon driver's license; or
5. The applicant for a TNC driver's permit is not 21 years of age.

C. A TNC driver's permit shall be renewed every two years of registration as a TNC driver with the following conditions.

1. Any break in continuous employment will require a new permit;
2. Any significant change in appearance from permit identification photograph to TNC driver's actual current appearance will require a photograph change on the permit. A new photograph must be brought to City Hall for new identification preparation. There will be a charge for this service pursuant to the master fee schedule.

D. TNC drivers shall annually provide the chief of police with a copy of the DMV driving record. Drivers with an acceptable driving record will have their identification permit stamped and be allowed its continued use.

E. The city manager may revoke the permit of a TNC driver who is convicted of possession of an open container of alcohol, possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs), or a major traffic offense, all as defined in Oregon Revised Statutes.

F. It shall be unlawful for any TNC driver, while on duty, to drink any intoxicating liquor or use any controlled substance, or to disobey any traffic rules or regulations established by Oregon Revised Statutes or a city of Brookings ordinance.

G. The TNC driver's permit shall be displayed in a prominent place in the TNC vehicle at all times when in service. A TNC driver's permit is not transferable.

5.15.60 Suspension and revocation of permits.

A. The city manager may suspend or revoke any TNC driver's permit for noncompliance with the provisions of this chapter. Such suspension may extend for a period not to exceed one year.

B. No TNC driver's permit shall be revoked unless the owner has first received notice and an opportunity to present evidence in his/her behalf to the city manager. Any owner may appeal a suspension or revocation to the city council, whose decision shall be final and binding.

5.15.070 Insurance Required.

No TNC shall be operated upon the streets of the city of Brookings unless it is covered by property damage insurance policy in the amounts required under the statutes of the state of Oregon.

5.15.80 License and equipment requirements.

- A. No TNC vehicle shall be operated unless it bears a state license duly issued and displayed; and further, no owner or operator thereof shall drive or permit such to be driven unless it is equipped with proper brakes, lights, tires, horn, muffler, rear and side vision mirrors, and windshield wipers in good condition.
- B. Any TNC vehicle found to be in violation of any safety requirements of the state of Oregon or the city shall be ordered out of service, and before being placed again in service any mechanical or safety related defects shall be corrected and such correction verified by the chief of police or his designee.
- C. The interior and exterior of every TNC vehicle shall be kept as thoroughly clean as reasonably possible at all times.

5.15.090 Passenger Requirements.

It shall be the duty of any TNC driver to accept any passenger who seeks to use the service, providing such person conducts himself in an orderly manner. The driver shall take the passenger to the requested destination by the most direct available route from the place where the passenger enters the vehicle.

5.15.0100 Revocation of license.

Any and all permits and licenses for the operation of TNC vehicles, as the same may be granted hereunder, may be revoked and forfeited, without recovery of the license fee or any part thereof, by the city manager for any violation by said permittee of any of the terms or provisions of this chapter. No permit issued under this chapter shall vest any right in the licensee to continued use or operation of TNC vehicles within the city of Brookings, whether upon renewal or revocation thereof or otherwise.

5.15.110 Penalty for violation.

Any person, firm or corporation operating a TNC service within the corporate limits of the city of Brookings who has not complied with the terms and provisions of this chapter shall be guilty of a violation of this chapter and, upon conviction thereof, shall be punishable pursuant to Chapter 1.05 BMC, General Penalty. [Ord. 16-O-757 § 4; Ord. 97-O-387.D § 7; Ord. 84-O-387 § 14.]

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2016

ATTEST:

Mayor Ron Hedenskog

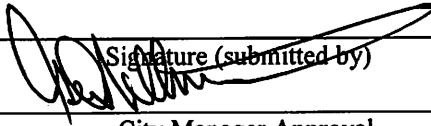
City Recorder Teri Davis

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 12, 2016

Originating Dept: City Manager



Signature (submitted by)


City Manager Approval

Subject: Ordinance 16-O-768 Amending Sub-Section A of Section 5.10.040, Taxicabs, Annual License Fee and Sub-Sections B and C-2 of Section 5.10.050, Taxicabs, Operator Requirements, of Brookings Municipal Code.

Recommended Motion:

Motion to adopt Ordinance 16-O-768 amending Sub-Section A of Section 5.10.040, Taxicabs, Annual License Fee and Sub-Sections B and C-2 of Section 5.10.050, Taxicabs, Operator Requirements, of Brookings Municipal Code.

Financial Impact: None

Reviewed by Finance & Human Resources Director: 

Background/Discussion:

In follow-up to the changes that were made to Chapter 5.10, Taxicabs, through Ordinance 16-O-764 approved by Council at the October 24, 2016, it was determined that specified fee amounts were no longer current.

Ordinance 16-O-768 again revises Chapter 5.10 to remove specific fee amounts which are subject to change and to make those fees pursuant to the master fee schedule.

Attachment(s):

- a. Ordinance 16-O-768
- b. Section 5.10.040 and 5.10.050 of the BMC with edits

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 16-O-768

IN THE MATTER OF ORDINANCE 16-O-768, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SUB-SECTION A OF SECTION 5.10.040, ANNUAL LICENSE FEE, AND SUB-SECTION B AND SUB-SECTION C-2 OF SECTION 5.10.050, TAXICABS, OPERATOR REQUIREMENTS.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Sub-Section A of Section 5.10.040
- Section 3. Amends Sub-Section B of Section 5.10.050
- Section 4. Amends Sub-Section C-2 of Section 5.10.050

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Sub-Section A of Section 5.10.040 and Sub-Section B and Sub-Section C-2 of Section 5.10.050 of the Brookings Municipal Code.

Section 2. Amends Sub-Section A of Section 5.10.040 : Sub-Section A of Section 5.10.040, Taxicabs, Annual License Fee is amended to read as follows:

A. No permit for the use and operation of a taxicab shall be issued until said application has been approved by the city manager and the payment by applicant of the annual license fee pursuant to the master fee schedule. All taxicab permits issued under this chapter shall begin on the first day of the fiscal year and expire on the last day of said year and no license fee herein required shall be prorated over said fiscal year, but shall be paid in full amount as if the same had been issued on the first day of the fiscal year.

Section 3. Amends Sub-Section B of Section 5.10.050 : Sub-Section B of Section 5.10.050, Taxicabs, Operator Requirements is amended to read as follows:

B. Application for such permit may be made by the payment of a fee to the city of Brookings pursuant to the master fee schedule and shall set forth the name, address, date of birth and Oregon driver's license number of the applicant. The applicant shall provide a two-and-one-half-inch by three-and-one-half-inch photograph to be attached to the taxicab driver's permit. A permit may be issued by the city of Brookings if the applicant satisfactorily passes the police background investigation. The chief of police, or his designee, shall investigate each applicant for a taxicab driver's permit. The following shall be cause for the chief of police to deny a permit:

Section 4. Amends Sub-Section C-2 of Section 5.10.050 : Sub-Section C-2 of Section 5.10.050, Taxicabs, Operator Requirements is amended to read as follows:

2. Any significant change in appearance from permit identification photograph to taxicab driver's actual current appearance will require a photograph change on the permit. A new photograph must be brought to City Hall for new identification preparation. There will be a charge for this service pursuant to the master fee schedule.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2016

ATTEST:

Mayor Ron Hedenskog

City Recorder Teri Davis

5.10.040 Annual license fee.

A. No permit for the use and operation of a taxicab shall be issued until said application has been approved by the city manager and the payment by applicant of the annual license fee in the amount of \$65.00. ~~Said annual license fee may be adjusted, from time to time, upon motion of the city council; however,~~ all taxicab permits issued under this chapter shall begin on the first day of the fiscal year and expire on the last day of said year and no license fee herein required shall be prorated over said fiscal year, but shall be paid in full amount as if the same had been issued on the first day of the fiscal year.

*pursuant to
the Master Fee
Schedule.*

B. The annual license fee, payable in advance, shall be for each such taxicab operated and shall be in addition to any other fee required by any other ordinance of the city of Brookings, including but not limited to the business license fee. The permit granted hereunder shall be displayed in a prominent place in the taxicab while it is in use. [Ord. 93-O-387.C § 2; Ord. 84-O-387 § 4.]

5.10.050 Operator requirements.

A. No person shall operate a taxicab for hire within the city of Brookings without having first obtained a taxicab driver's permit.

B. Application for such permit may be made by the payment of a fee to the city of Brookings ~~in the sum of \$20.00~~ and shall set forth the name, address, date of birth and Oregon driver's license number of the applicant. The applicant shall provide a two-and-one-half-inch by three-and-one-half-inch photograph to be attached to the taxicab driver's permit. A permit may be issued by the city of Brookings if the applicant satisfactorily passes the police background investigation. The chief of police, or his designee, shall investigate each applicant for a taxicab driver's permit. The following shall be cause for the chief of police to deny a permit:

*pursuant to
the Master Fee
Schedule*

1. The applicant for a taxicab driver's permit has been convicted within the previous 36 months of any major traffic offense, as defined by Oregon law, possession of an open container of alcohol or possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs).
2. The applicant for a taxicab driver's permit has been convicted of a felony within the previous 36 months;
3. The applicant for a taxicab driver's permit has accumulated more than three convictions for moving traffic offenses within the previous 12 months;
4. The applicant for a taxicab driver's permit does not hold a valid Oregon driver's license; or
5. The applicant for a taxicab driver's permit is not 21 years of age.

C. A taxicab driver's permit shall be renewed every two years of employment with the following conditions:

1. Any break in continuous employment will require a new permit;

2. Any significant change in appearance from permit identification photograph to taxicab driver's actual current appearance will require a photograph change on the permit. A new photograph must be brought to City Hall for new identification preparation. There will be a ~~\$10.00~~ charge for this service, *pursuant to the master fee schedule.*

D. Taxicab drivers shall annually provide the chief of police with a copy of their DMV driving record. Drivers with an acceptable driving record will have their identification permit stamped and be allowed its continued use.

E. The city manager may revoke the permit of a taxicab driver who is convicted of possession of an open container of alcohol, possession, manufacture or delivery of a controlled substance (not including the delivery of medically prescribed drugs), or a major traffic offense, all as defined in Oregon Revised Statutes.

F. It shall be unlawful for any operator of a taxicab, while on duty, to drink any intoxicating liquor or use any controlled substance, to use any obscene language, to shout or to call to prospective passengers, or to disobey any traffic rules or regulations established by Oregon Revised Statutes or a city of Brookings ordinance.

G. The taxicab driver's permit shall be displayed in a prominent place in the taxicab at all times when in service. A taxicab driver's permit is not transferable. [Ord. 97-O-387.D § 2; Ord. 93-O-387.C § 3; Ord. 90-O-387.B § 1; Ord. 90-O-387.A § 1; Ord. 84-O-387 § 6.]