



## ORDINANCE and CITY POLICY AD-HOC COMMITTEE

### Monroe Community Center

605 Main Street, Monroe

December 4, 2024

6:00 P.M.

#### **Agenda**

1. Call to Order
2. New Business:
  - 2.1. Revising Penalties in City Code
3. Other Business: TBD
4. Adjournment

# Penalties

## Single Amount

“A fine of \$1,000”

## Up to a Single Amount

“A fine of up to \$1,000”

## Per Day of violation

“Plus \$500 per day of violation”

## Sliding Scale

Based on severity (must define severity)

Class A Violation	\$25
Class B Violation	\$50
Class C Violation	\$125
Class D Violation	\$250

Based on # of offenses

1 <sup>st</sup> Offense	\$25
2 <sup>nd</sup> Offense	\$50
3 <sup>rd</sup> Offense	\$125
4 <sup>th</sup> Offense	\$250

## **CHAPTER 10**

### **§ 10.99 GENERAL PENALTY**

- A. Any person violating any provision of this code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed \$500, subject to division (B) below.
- B. Any person violating any provision of this code which is identical to a state statute containing a penalty shall, upon conviction, be punished by the penalty prescribed by state statute.
- C. Each calendar date on which a violation occurs constitutes a separate violation.

## **CHAPTER 31**

### **SYSTEM DEVELOPMENT CHARGES**

#### **§ 31.47 PROHIBITED CONNECTION**

- No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

#### **§ 31.99 PENALTY**

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.99 of this code of ordinances.
- B. Violation of § 31.47 constitutes a violation and is punishable by a fine not to exceed \$500 per day.

## **CHAPTER 32**

### **CITY POLICIES**

#### CLAIMS

##### § 32.01 CLAIMS PROCESSING

- The purpose of this subchapter is to establish procedures governing new Measure 49 claims filed under O.R.S. 195.305 and 195.310 to 195.336. These provisions are in addition to and not in lieu of any such statutory requirements.

##### § 32.11 EX PARTE CONTRACTS, CONFLICT OF INTEREST, BIAS.

#### NO SMOKING REGULATIONS

##### § 32.25 DEFINITIONS.

- **ELECTRONIC SMOKING DEVICE.** Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name or descriptor and any cartridge or other component of the device or related product.
- **SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. **SMOKING** also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form.
- **TOBACCO PRODUCT.** Any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. **TOBACCO PRODUCT** includes any electronic smoking device. **TOBACCO PRODUCT** does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.

##### § 32.26 WHERE SMOKING IS PROHIBITED.

- Smoking shall be prohibited in all city-owned or managed parks and recreational facilities, including all parks, trails, open space, and special use areas. This does not include designated parking areas.
- Smoking shall be prohibited on all of the city-owned grounds, patios, plazas, steps, ramps, and facilities for the city's public library, City Hall, and Legion Hall.
- This prohibition includes the parking lots and any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street curb, or gutter within 20 feet of the exterior of the buildings.

##### **§ 32.99 PENALTY**

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.
- B. Any person who violates the provisions of §§ 32.25 to 32.27 shall be subject to the penalties of up to \$500.

## **CHAPTER 70**

### **Traffic Code**

#### **General Provisions**

##### **§ 70.02 APPLICABILITY OF STATE TRAFFIC LAWS.**

Except for any provisions to the extent they describe, prohibit, or impose penalties for felonies, violation of any provision in the O.R.S. Chapters 153 and 801 through 823, inclusive, in effect on the effective date of this section shall be an offense against the city.

- 153. Violations and Fines
- 801. General Provisions and Definitions for Oregon Vehicle Code
- 802. Administrative Provisions
- 803. Vehicle Title and Registration
- 805. Special Registration Provisions
- 806. Financial Responsibility Law
- 807. Driving Privileges and Identification Cards
- 809. Refusal, Suspension, Cancellation and Revocation of Registration, Title, Driving Privileges and Identification Card; Vehicle Impoundment
- 810. Road Authorities; Courts; Police; Other Enforcement Officials
- 811. Rules of the Road for Drivers
- 813. Driving Under the Influence of Intoxicants
- 814. Pedestrians; Passengers; Livestock; Motorized Wheelchairs; Vehicles with Fewer Than Four Wheels
- 815. Vehicle Equipment Generally
- 816. Vehicle Equipment: Lights
- 818. Vehicle Limits
- 819. Destroyed, Totaled, Abandoned, Low-Value and Stolen Vehicles; Vehicle Identification Numbers; Vehicle Appraisers
- 820. Special Provisions for Certain Vehicles
- 821. Off-Road Vehicles; Snowmobiles; All-Terrain Vehicles
- 822. Regulation of Vehicle Related Businesses
- 823. Carrier Regulation Generally

##### **70.99 PENALTY.**

- (A) Violation of this title is punishable by a fine not to exceed \$500.
- (B) Violation of any provision of this title which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.
- (C) Except where other penalties are specifically provided, the penalty for a violation of any provision of this title which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.
- (D) Where any section of this title is substantially similar to a state statute, but does not adopt the state statute by reference, the maximum and minimum penalties shall be limited to the maximum and

minimum fines provided for in the substantially similar state statute. The provisions of this section shall not be construed to affect penalties provided by any section of this title which are less severe than the penalties provided for in a substantially similar state statute.

(E) Whether or not a state statute incorporated by this title or substantially similar to any section of this title provides for imprisonment, no imprisonment shall be allowed under any section of this title.

## **§ 71 Traffic Rules**

### **§ 71.01 CROSSING PRIVATE OR PUBLIC PROPERTY.**

The operator of a vehicle shall not proceed from one street to an intersecting street by leaving the roadway and crossing private or public property.

### **§ 71.02 DAMAGING SIDEWALKS OR CURBS.**

No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond. A person who causes damage shall be responsible for the cost of repair.

### **§ 71.04 USE OF BICYCLES, ROLLER SKATES, AND SKATEBOARDS.**

No person shall use roller skates or skateboards on sidewalks in a designated business district or on the streets in a careless manner or use bicycles on the sidewalks in a designated business district.

## **§ 72 Parking Regulations**

Ordinance 2023-04 amends Chapter 72 of the Monroe Municipal Code, which governs parking regulations. It details rules for parking, prohibited practices, exemptions, and penalties for violations.

### **General Parking Rules (§ 72.02):**

- Vehicles must park in compliance with marked spaces, designated directions, and within 18 inches of the curb if no markings are present.

### **3. Prohibited Parking (§ 72.05):**

- In violation of state parking limits or signs.
- Blocking traffic, creating hazards, or in city parks outside designated areas.
- In residential or public zones by large vehicles, unless actively loading/unloading within 8 hours.

### **4. Parking Prohibited in Specific Areas (§ 72.10):**

- Within 50 feet of intersections if visibility is blocked.
- Near mailboxes during delivery hours.
- Over utility connections or on planting strips, crosswalks, and bicycle lanes.

### **5. Prohibited Practices (§ 72.15):**

- Park for vehicle sales, repairs, or advertising without authorization.
- Store vehicles or property on public ways for more than 72 hours without approval.

6. Loading Zones (§ 72.25):

- Loading zones are for active loading/unloading only, with time limits of 30 minutes unless otherwise posted.

7. Parking Citations (§ 72.30):

- Violations may result in citations
- Non-compliance with citations escalates fines and may result in vehicle impoundment if outstanding fines exceed \$500 or three citations.

8. Exemptions (§ 72.35):

- Emergency and postal vehicles, as well as vehicles used for public works or utility maintenance, are exempt when performing official duties.

§ 72.99 Penalties

- Any violation of this chapter is subject to citation or fine for each violation.
- Fines may be imposed for each day of violation.
- Parking fines are to be established by Council Resolution and reviewed annually.



## CHAPTER 90

### ABANDONED VEHICLES

#### § 90.01 DEFINITIONS

##### 1. DISCARDED.

Any vehicle which does not have lawfully affixed thereto an unexpired license plate **or** is in one or more of the following conditions:

- a. Inoperative;
- b. Wrecked;
- c. Dismantled;
- d. Partially dismantled;
- e. Abandoned; and/or
- f. Junked.

Discarded vehicles may be deemed to include major parts thereof, including, but not limited to, bodies, engines, transmissions, and rear ends.

#### § 90.02 DECLARATION OF PUBLIC NUISANCE

The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to:

- Reduce the value of private property;
- Promote blight, deterioration, and unsightliness;
- Invite plundering;
- Create fire hazards;
- Constitute an attractive nuisance creating a hazard to the health and safety of minors;
- Create a harborage for rodents and insects; and
- Be injurious to the health, safety, and general welfare.

Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.

#### § 90.03 PROHIBITED ACTION

It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the city unless the vehicle is **completely enclosed within a building** or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city.

#### § 90.04 INVESTIGATION AND NOTICE

It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them or place a notice upon the windshield, or some other part of the vehicle where it can be easily seen.

#### § 90.05 ENTRY ONTO PRIVATE PROPERTY

- With consent of the property owner or occupant thereof or a warrant of the municipal court, the Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition.

#### § 90.06 HEARING BY CITY COUNCIL.

- Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle nuisance should not be immediately abated.

#### § 90.07 ABATEMENT BY CITY AND APPRAISAL

- Seven days after the mailing of notice required in § 90.04, or three days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in § 90.06, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or duly authorized independent contractors. After removing the vehicle, the city shall cause it to be appraised.

#### § 90.08 LOW VALUE VEHICLE

- If the vehicle is appraised at \$300 or less, the Chief of Police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled.

#### § 90.09 NOTICE OF PUBLIC SALE

- If the vehicle is appraised over \$300, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale.

#### § 90.10 PUBLIC SALE

- If a vehicle is appraised over \$300, the Chief of Police shall hold a sale at the time and the place appointed within the view of the vehicle to be sold.
- The vehicle shall be sold to the highest and best bidder, provided that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

#### § 90.11 REDEMPTION PRIOR TO SALE

- A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place, by applying to the Police Department.

#### § 90.12 ASSESSMENT OF COSTS

- After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, the City Council shall give notice as specified in § 90.04 to the person in charge of the property from which the vehicle was removed of the unpaid costs of abatement and that the costs will become a lien against the real property unless paid within

30 days from the date of the notice; and that if the person in charge of the property may file a written notice of objection with the City Council within 20 days from the date of the notice.

#### § 90.13 SUMMARY ABATEMENT

- The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances, and the City Council may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

#### § 90.99 PENALTY

- A person violating this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.
- Each day's violation of a provision of this chapter constitutes a separate offense.
- The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the specified time within the notice to abate, or if a written protest has been filed, then abatement within the time period specified by the City Council, if determined that a nuisance exists, will relieve the responsible person from the imposition of any fine or imprisonment under this section.

# CHAPTER 91

## ANIMALS

§ 91.02 DOGS RUNNING AT LARGE PROHIBITED.

§ 91.03 BARKING DOGS PROHIBITED.

§ 91.04 VICIOUS DOGS.

- No person shall own, keep, or harbor a vicious dog. Any dog which has the propensity to attack or bite any person without provocation and the capacity to inflict serious harm on them shall be regarded as vicious.

§ 91.05 REPORT OF DOG BITES.

- The owner of a dog which bites a human being shall immediately notify the Department and then the County Health Department of such bite, giving the name and address of the person bitten, if known to him or her.
- No person shall keep a dog which has bitten a human being on two occasions. Such a dog shall be turned over to the County Dog Control Officer for quarantine and disposition according to the county ordinance.

§ 91.06 KILLING LIVESTOCK.

- Any dog not acting under the direction of its master which chases, injures, or kills livestock as defined in O.R.S. ~~609.010~~ 609.125 while off the owner's premises may be killed immediately by any person.

§ 91.07 POLICE OFFICER'S AUTHORITY TO ENTER PRIVATE LAND.

- Any police officer, in the course of his or her duty in enforcing this chapter, shall have the privilege of entering onto private land, but shall not enter into any building or dwelling without permission or authority.

### § 91.99 PENALTY

Penalty will be determined by municipal judge based upon the sliding scale for all nuisance fines and the number and severity of the incident as determined by the court. Every day is an additional occurrence of a violation.

First offense Class A	Not to exceed \$50
Second offense Class B	Not to exceed \$100
Third offense Class C	Not to exceed \$250
Forth offense Class D	Not to exceed \$500

# Chapter 92

Chapter 92 of the Monroe, Oregon Code of Ordinances addresses nuisances, defining specific actions and conditions considered detrimental to public health, safety, and welfare.

## **General:**

General Nuisance Declaration (§ 92.02): Empowers the City Council to identify and declare various conditions as nuisances beyond those explicitly listed.

## **Nuisances Specified:**

### **Animals (§ 92.15):**

- Animals running at large, damaging property
- Prohibited animals
- Bees
- Removal of animal carcasses
- Farm animals and wild animals

### **Nuisances Affecting Public Health (§ 92.16):**

- Privies
- Debris
- Stagnant water
- Water pollution
- Food
- Odor
- Hazardous trees
- Cannabis related nuisances
  - Odor
  - Access and visibility
- Hazardous air contaminants
- Vaping

### **Nuisances Affecting Public Safety (§ 92.17):**

- Abandoned refrigerators
- Storage of rubbish, junk
- Excavations
- Snow and ice removal
- Scattering rubbish
- Sifting or leaking loads
- Fences
- Surface waters, drainage
- Lack of solid waste sendees
- Litter

**Nuisances Affecting Public Peace (§ 92.18):**

- Fireworks
- Notices and advertisements

**ABATEMENT PROCEDURE (key provisions)**

§ 92.30 NOTICE.

Upon determination by the Council that a nuisance as defined in this chapter or any other ordinance of the city exists, the Council shall forthwith cause a notice to be posted on the premises liable for the abatement, directing the removal of such nuisance.

§ 92.31 ABATEMENT BY OWNER.

Within 30 days after the posting and mailing of the notice, as provided in § 92.30, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

§ 92.32 ABATEMENT BY CITY.

If within the time fixed, as provided in this chapter, the nuisance has not been abated by the person in charge of the property, the Council shall cause the nuisance to be abated.

§ 92.33 ASSESSMENT OF COSTS.

A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the City Recorder.

§ 92.34 APPLICATION OF CHAPTER; SUMMARY ABATEMENT.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances; and furthermore, the Health Officer, the Chief of the Fire Department, and the police officers of this city may proceed summarily to abate a sanitary or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

§ 92.35 ABATEMENT DOES NOT CONSTITUTE PENALTY.

The abatement of a nuisance, as herein provided, shall not constitute a penalty for a violation of this chapter, but shall be in addition to any penalty imposed for a violation of this chapter.

**§ 92.99 PENALTY.**

Penalty for violation of this chapter will be determined by municipal judge based upon the sliding scale for all nuisance fines and the number and severity of the incident as determined by the court. Every day is an additional occurrence of a violation.

First offense Class A	Not to exceed \$50
Second offense Class B	Not to exceed \$100
Third offense Class C	Not to exceed \$250
Forth offense Class D	Not to exceed \$500

# Chapter 93

Chapter 93 of the Monroe, Oregon Code of Ordinances governs the use and maintenance of parks, cemeteries, and other public properties within the city. It establishes rules to ensure these areas are used safely and respectfully, preserving them for community enjoyment.

## Key Provisions of Chapter 93:

### Park Operating Hours (§ 93.15)

- No person shall use the public parks between 10:00 p.m. and 6:00 a.m. except for a purpose permitted by the Council.

### Damaging Property (§ 93.16)

- No person shall cut, remove, or damage any flowers, trees, or trails; or damage or injure in any way any building, installation, equipment, or other property of the city.

### Littering (§ 93.17)

- No person shall litter. All garbage and refuse of any kind must be deposited in the proper receptacles provided for that purpose. **Garbage and refuse shall not be brought on to any city property.**

### Camping and Fires (§ 93.18)

- **No person shall build any fire except in a stove or fireplace provided for that purpose.** No person shall camp overnight in the parks except in an area designated by the Council for camping or in connection with an activity authorized by the Council.

### Animals (§ 93.19)

- No person shall permit any dog to run at large. **All dogs shall be kept in control on a leash or other physical restraint at all times.** Cats or other animals must be kept in a vehicle, trailer, or on a leash or tether at all times. No person shall hunt, pursue, trap, kill, injure, or disturb the habitat of any animal or bird in the parks.

### Weapons (§ 93.20)

- No person shall fire or discharge any firearm, pistol, rifle, or any device which propels a projectile by the use of air pressure, CO2 cartridges, springs, bows, slings, jet, or rocket propulsion.

### Commercial Activities (§ 93.21)

- No person shall sell any merchandise or operate any concession on city property or in the public parks without permission of the Council. **No person shall erect any signs, markers, or instructions on city property without Council approval.**

### Vehicles and Traffic (§ 93.22)

- No person shall operate or park any motor vehicle except on roads or in designated parking areas or in excess of ten mph in a public park unless otherwise designated. No person shall operate or bring any vehicle with a gross weight exceeding five tons into a public park except a bus carrying passengers to the park.

**Noise (§ 93.23)**

- No person should use any loud speaker or amplification system unless they have first secured a special use permit. No person shall use a radio, CD player, Mp3 player, or other sound device in such a manner as to disturb the peace of the immediate vicinity.

**Sports Equipment (§ 93.24)**

- No person shall use golf clubs, archery equipment, discus, javelin, shot put, **model airplane, or drone** in the parks except as permitted by special use permit.

**Waterways (§ 93.25)**

- No person shall wash any clothing or materials or clean any fish in streams, springs, pools, or other waterways on city property.

**Alcoholic Beverages (§ 93.26)**

- **Wine and malt beverages may be used and consumed in the city park system**, to the extent and in the manner allowed under state statutes and administrative regulations.
- **Wine, malt beverages, and alcoholic liquor may be used and consumed in the City Hall and the Legion Hall** to the extent and in the manner allowed under state statutes and administrative regulations.

**§ 93.99 PENALTY.**

- A. Violation of this chapter is punishable by imprisonment for not more than 90 days, or of a fine of not more than \$500, or both.
- B. Violation of §§ 93.23 or 93.24 is punishable by a fine of not more than \$500.



## CHAPTER 94

### § 94.01 NOXIOUS VEGETATION.

Includes weeds more than ten inches high or grass more than ten inches high, except agricultural crops that are not a fire hazard or a vision obstruction; and

Poison oak or poison ivy; and

Blackberry vines or vegetation that:

- a. Is a fire hazard because it is near other combustibles;
- b. Extends into a public way;
- c. Extends into a pathway frequented by children;
- d. Extends across a property line;
- e. Is used for habitation by trespassers;
- f. Is a health hazard; or
- g. Is a traffic hazard because it impairs the view of a public thoroughfare or creates a vision obstruction.

### § 94.02 NOXIOUS VEGETATION CONSTITUTES A NUISANCE; AUTHORITY TO ABATE.

- No owner, occupant, or person in charge shall permit noxious vegetation to grow upon his or her property within the city limits. All noxious vegetation shall be cut and maintained at a height not to exceed ten inches.
- The City Council may elect to charge a penalty against the owner, occupant, or person in charge, or against the property itself for failure to comply with this chapter. This includes the costs the city incurs in any abatement actions.

### § 94.03 WAIVER.

- Where strict compliance with the requirements of § 94.02 would be impracticable as they apply to a type of noxious vegetation, to height of tree branches, or to a part of a parcel of property, the city may waive those requirements as they so apply.

### § 94.04 NOTICE.

- If the City Recorder is satisfied that a noxious vegetation nuisance exists, the City Recorder shall send a written notice to any owner, occupant, or person in charge of property containing noxious vegetation. The City Recorder shall also post such written notice in plain sight on the property.
- Where a second or repeated notice is deemed appropriate by the City Recorder, the city may move directly to the penalty phase as provided under § 94.99 and direct a citation be issued to the person in charge to pay the fine or appear in municipal court to plead his or her case before the municipal judge.

#### § 94.05 PRIVATE ABATEMENT.

- Within ten days after the notice, as provided in § 94.04, the owner, occupant, or person in charge of the property where the noxious vegetation nuisance exists shall abate the nuisance.
- If the owner of the property denies a nuisance exists and may file with the city a written protest to the City Council for hearing as part of the Council's regular agenda at its next meeting. The Council will make its decision based upon the best interests of the city, including whether the noxious vegetation is offensive, injurious, or detrimental to the public health, safety, or welfare.

#### § 94.06 ABATEMENT BY CITY.

- If, within the ten days allowed by § 94.05 for abating a nuisance as defined in § 94.01, the nuisance has not been privately abated, the City Council or its designee may cause it to be abated. Consent of the property owner or a warrant is required to enter the property.
- Noxious vegetation in the public right-of-way, on a public walk or pathway, or extending across a property line may be destroyed without consent or without a warrant and the costs assessed against the person in charge.
- Whenever the city abates noxious vegetation, in addition to any penalties imposed and in addition to the cost incurred for abatement, there is hereby imposed on each owner, occupant, or person in charge or on the property a penalty of \$50 or 10% of the abatement costs, whichever is greater.

#### § 94.07 COLLECTION OF COSTS.

The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner, occupant, or person in charge a cost notice stating:

- The total cost of abatement, including any administrative overhead charges or penalties;
- That the cost will be assessed and become a lien against the property unless paid within ten days from the date of notice; and
- The owner, occupant, or person in charge may object to the cost of abatement file a written objection with the City Recorder not more than ten days from the date of the notice.

#### § 94.99 PENALTY

- A. Any person violating the provisions of this chapter shall be fined not less than \$50, nor more than \$500, and possibly subject to the cost of fire suppression.
- B. Each day's violation of this chapter constitutes a separate offense.
- C. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy.

## **CHAPTER 110**

### **AMUSEMENTS**

#### **§ 110.01 DEFINITIONS.**

- AMUSEMENT DEVICES
- CARDROOM
- CIGARETTE VENDING MACHINE
- JUKEBOX
- POOLROOM
- VENDING MACHINE

#### **§ 110.02 GAMBLING DEVICES NOT PERMITTED**

#### **§ 110.06 OPERATING REGULATIONS**

- A. It shall be unlawful for any person operating any cardroom licensed under the provisions of this chapter to permit or allow any minor under the age of 21 years to engage in any card game, or to be upon that portion of the premises wherein such card tables are operated.
- B. No person, firm, corporation, or association holding the license of this chapter shall permit the playing of jukeboxes, defined in § 110.01, between the hours of 2:30 a.m. and 6:00 a.m. of any day; furthermore, jukeboxes, as herein defined, shall be played in such manner as to not be offensive to others. As such offensiveness is deemed by the Council to be a nuisance, the Council may revoke the license.

#### **§ 110.07 REVOCATION OF LICENSE**

Under the ordinances of the city or the law of the state, the license may be revoked by the City Council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged.

#### **§ 110.99 PENALTY**

- A. Any person, firm, corporation, or association violating any of the provisions of this chapter, in addition to the revocation of his or her license, shall be liable to a fine or penalty of not more than \$500, or 100 days in the county jail, or by both such fine and imprisonment.

## **CHAPTER 111**

### **Peddlers**

#### **§ 111.02 LICENSE REQUIRED**

It is unlawful for any person to engage in business as a peddler or solicitor as defined in this chapter within the corporate limits of the city without first obtaining a license as herein provided.

#### **§ 111.06 TRANSFER OF LICENSE**

No license shall be used at any time by any person other than the one to whom it is issued. No license may be assigned or otherwise transferred.

#### **§ 111.07 HOURS OF SOLICITATION; EXHIBITION OF LICENSE; NO SOLICITATION SIGNS**

- a) *Hours.* No licensee or person shall engage in soliciting at any place in the city during the period from 9:00 p.m. until 9:00 a.m., unless otherwise specified on the solicitor's license.
- b) *Display of license.* Peddlers and solicitors are required to display their license card at all times they are engaged in their selling activity.
- c) *Signs.* No licensee shall solicit or attempt to solicit any sale from any residence or other location where a "no solicitation" sign or other appropriate sign is displayed indicating the occupant's desire that they not be solicited by door-to-door sales people or peddlers.

#### **§ 111.99 PENALTY**

- A. Violation of any provision of this chapter is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not more than six months, or both.

## CHAPTER 130

### General Offenses

#### § 130.01 STATE LAW ADOPTED BY REFERENCE.

- Violation of any provision of O.R.S. Chapters 161 through 167 shall constitute an offense against the city:
- 161 General Provisions
- 162 Offenses Against the State and Public Justice
- 163 Offenses Against Persons
- 163A Sex Offender Reporting and Classification
- 164 Offenses Against Property
- 165 Offenses Involving Fraud or Deception
- 166 Offenses Against Public Order
- 167 Offenses Against General Welfare and Animals

Except for provisions which describe, prohibit, or impose penalties for felonies, violation of any provision of the state's Criminal Code of 1981 as amended, in effect on the effective date of this section shall constitute an offense against the city.

#### § 130.02 UNNECESSARY NOISE.

No person shall make, assist in making, or permit any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.

- A. The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;
- B. The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
- C. The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;
- D. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities;
- E. The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;
- F. The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the Council;
- G. The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;
- H. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys patients;

- I. The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
- J. The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker, or any instrument for sound producing, or any sound-amplifying device, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;
- K. The making of any noise by crying, calling, or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, or of attracting attention, or of inviting patronage of any person to any business whatsoever; provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the ordinances of the city may vend merchandise in the streets by public outcry; and
- L. The conducting, operating, or maintaining of any garage within 100 feet of any private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

#### **§ 130.99 PENALTY.**

- A. Violation of any section of this chapter is punishable by a fine not to exceed \$500.
- B. Violation of any provision of this chapter which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.
- C. Except where other penalties are specifically provided, the penalty for a violation of any provision of this chapter which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.
- D. Where any section of this chapter is substantially similar to a state statute, but does not adopt the state statute by reference, the maximum and minimum penalties shall be limited to the maximum and minimum fines provided for in the substantially similar state statute. The provisions of this section shall not be construed to affect penalties provided by any section of this chapter which are less severe than the penalties provided for in a substantially similar state statute.
- E. Whether or not a state statute incorporated by this chapter or substantially similar to any section of this chapter provides for imprisonment, no imprisonment shall be allowed under any section of this chapter.
- F. Violation of any provision of § 130.01 which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.
- G. The penalty for a violation of any provision of § 130.01 which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.
- H. Whether or not a state statute incorporated by § 130.01 or substantially similar to any section of § 130.01 provides for imprisonment, no imprisonment shall be allowed under any section of § 130.01.