

ORDINANCE BILL NO. 6 FOR 2008

ORDINANCE NO. 1203

SWEET HOME ORDINANCE PERTAINING TO UPDATING SWEET HOME MUNICIPAL CODE

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 2.08 entitled Local Contract Review Board is amended to read as follows:

2.08.010 Designated. Pursuant to ORS 279A.060, the City Council is designated as the local contract review board for the city. Relative to contract concerns of the city, and not as a limit thereon, the board shall have all the powers granted under State Law to a Local Contract Review Board.

2.08.020 City Council--Authority. The City Council acting as the Local Contract Review Board shall adopt rules to govern public contracts of the City.

Section 2. Sweet Home Municipal Code Chapter 2.32 entitled Fire Department is hereby repealed along with its enacting Sweet Home Ordinances 376 and 871.

Section 3. Sweet Home Municipal Code Chapter 2.36 entitled Volunteer Fire Department is hereby repealed along with its enacting Sweet Home Ordinance 375, and Sections 2A2, 2A3, 2A4, 2A5 of Sweet Home Ordinance 1036.

Section 4. Sweet Home Municipal Code Chapter 2.40 entitled Prepaid Ambulance Service is hereby repealed along with its enacting Sweet Home Ordinance 973.

Section 5. Sweet Home Municipal Code Section 2.52.020 reference to ORS 466.695 therein is amended to read as ORS 466.605.

Section 6. Sweet Home Municipal Code Section 3.08.030 reference to ORS 279.055 therein is amended to read as ORS 279A.005.

Section 7. Sweet Home Municipal Code Section 3.08.040A is amended to read as follows:

A. Firearms that fall under the purview of ORS 166.282 shall be disposed of in accordance therewith.

Section 8. Sweet Home Municipal Code Section 3.08.050 reference to ORS 830.905 therein is amended to read as ORS 830.907 to 830.927.

Section 9. Sweet Home Municipal Code Section 3.08.080 B reference to ORS 819.130 is amended to read ORS 819.110.

Section 10. Sweet Home Municipal Code Section 3.08.150 A. is amended by adding the following sentence to the end of it to read as follows:

Public auction is defined herein to include a public auction as held on "e-bay" or similar site.

Section 11. Sweet Home Municipal Code Section 3.08.160 is amended by adding the following sentence to the end of it to read as follows:

Notwithstanding the above procedures for certificate of sale, other documents may be used to transfer title that accomplish the same result.

Section 12. Sweet Home Municipal Code Section 3.30.010 and 3.30.020 reference to ORS 197.352 therein is amended to read as ORS 195.305.

Section 13. Sweet Home Municipal Code Section 5.08.030 is created to read as follows:

Sweet Home Municipal Code Section 5.08.030 Violation. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this Chapter shall constitute a separate offense.

Section 14. Sweet Home Municipal Code Section 5.12.040(A)(1) is amended to read as follows:

1. Name, description, photo identification issued by state or federal government and driver's license number or state ID number of the registrar.

Section 15. Sweet Home Municipal Code 5.12.040(A)(4) is repealed.

Section 16. Sweet Home Municipal Code Section 5.12.050 is amended to read as follows:

A license issued under this chapter shall be valid for the period specified on the license, or for one calendar year if not otherwise specified. A person must register for each event or business enterprise on or prior to the expiration of the license.

Section 17. Sweet Home Municipal Code Chapter 5.16 entitled Private Security Business is hereby repealed along with its enacting Sweet Home Ordinance 943.

Section 18. Sweet Home Municipal Code Chapter 5.20 entitled Dance Halls is hereby repealed along with its enacting Sweet Home Ordinance 922.

Section 19. Sweet Home Municipal Code Section 6.04.020 B the third sentence is amended to read as follows: Household pets may not be allowed to cause a nuisance to another resident.

Section 20. Sweet Home Municipal Code Section 6.04.040 is hereby amended to read as follows:

Sweet Home Municipal Code 6.04.040 Placing Poison Out For Animals.

No person shall put out or place any poison where it is liable to be eaten by any horse, cow, sheep, hog, dog or other domestic animal(s).

Section 21. Sweet Home Municipal Code Section 6.04.050 entitled Involvement in Animal Fighting is hereby repealed along with Section 3 of the enacting Sweet Home Ordinance 939.

Section 22. Sweet Home Municipal Code Chapter 6.04 is amended by adding Section 6.04.060 to read as follows:

Section 6.04.060 Penalties. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this Chapter shall constitute a separate offense.

Section 23. Sweet Home Municipal Code Section 8.04.025 C is amended and shall read as follows: The fire chief or his designate or a police officer or Sweet Home Municipal Code Enforcement Officer is authorized to enforce this section under Sweet Home Municipal Code Chapter 9.36 pertaining to violations and any abatement procedures. In addition to any other remedy, after requesting that a fire be extinguished by person(s) present, if any, the above named individuals can proceed to extinguish the fire if his request is not complied with. The cost of said abatement shall be borne by the person in charge of the property as prescribed by this chapter with the notice and hearing being after said abatement.

Section 24. Sweet Home Municipal Code Section 8.04.200 A, B and C where the reference therein is to City Building and Zoning Official it shall be amended to read City Code Enforcement Officer.

Section 25. Sweet Home Municipal Code Section 8.04.250 the last sentence is hereby deleted.

Section 26. Sweet Home Municipal Code Section 8.08.030 E at the end of the second to last sentence shall be added the following words: including the procedure set forth in Sweet Home Municipal Code Section 8.04.250.

Section 27. Sweet Home Municipal Code Section 9.04.020 B where it refers to two hundred dollars (\$200.00) is amended to five hundred dollars (\$500.00).

Section 28. Sweet Home Municipal Code Section 9.04.030 is hereby repealed along with its enacting Sweet Home Ordinance 886 Section 53 (1983).

Section 29. Sweet Home Municipal Code Section 9.12.030 entitled False Information to Police Officers is hereby repealed along with its enacting Ordinance 1036, Section 2X2, 1991; Ordinance 994, Section 1, 1989; and Ordinance 886, Section 18, 1983.

Section 30. Sweet Home Municipal Code Section 9.16.030 entitled Intimidation is hereby repealed along with its enacting Sweet Home Ordinance 1036, Section 2X3, 1991; Sweet Home Ordinance 939, Section 2, 1986; and Sweet Home Ordinance 886, Section 24 (1983).

Section 31. Sweet Home Municipal Code Section 9.20.020 A the first sentence is amended to read as follows:

9.20.020 Unnecessary Noise. A. 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 another person.

Section 32. Sweet Home Municipal Code Section 9.20.020 (B) (2) is amended to read as follows:

2. The use of engine brakes also known as "Jake Brakes" inside the City limits of the City.

Section 33. Sweet Home Municipal Code Section 9.24.030 is amended to read as follows:

9.24.030 Kindling of Fires. No person shall kindle or maintain a bonfire or rubbish fire or authorize any such fire in the open air within the city without first obtaining a permit or other proper authorization of the fire department.

Section 34. Sweet Home Municipal Code Section 9.24.050 entitled Unlawful Transport is hereby repealed along with its enacting Sweet Home Ordinance 1036, Section 2X5, 1991; Sweet Home Ordinance 998, Section 1, 1989; Sweet Home Ordinance 886, Section 35, 1983.

Section 35. Sweet Home Municipal Code Section 9.24.060 entitled Sound and Video Tape Recording is hereby repealed along with its enacting Sweet Home Ordinance 1036, Section 2X6, 1991; Sweet Home Ordinance 998, Section 3, 1989; Sweet Home Ordinance 886, Section 36, 1983.

Section 36. Sweet Home Municipal Code Section 9.28.010 is amended to read as follows:

9.28.010 Curfew Hours for Minors. ORS 419C.680 is incorporated by reference into this chapter and a violation or failure to comply with the provisions of the statute as adopted herein is an offense against the City and shall be punished as provided in ORS 419C.680(5), except that the curfew hours on Sunday through Thursday, inclusive, are between the hours of 10:00 p.m. and 5:00 a.m. of the following morning and on Friday and Saturday are between the hours of 11:00 p.m. and 5:00 a.m. of the following morning.

Section 37. Sweet Home Municipal Code Section 9.28.020 Alcoholic Liquors and Minors is hereby repealed along with its enacting Sweet Home Ordinance 1113, Section 1, 1997; Ordinance 1036, Section 2X1, 1991; Sweet Home Ordinance 919, Section 2, 1984; and Sweet Home Ordinance 886, Section 4, 1983.

Section 38. Sweet Home Municipal Code Section 9.28.030 Sale or Gift of Explosive to Children is hereby repealed along with its enacting Sweet Home Ordinance 1113, Section 1, 1997; Sweet Home Ordinance 1036, Section 2X7, 1991; Sweet Home Ordinance 1008, Section 1, 1989; and Sweet Home Ordinance 886, Section 38, 1983.

Section 39. Sweet Home Municipal Code Section 9.28.040 Failure to Supervise a Child is hereby repealed along with its enacting Sweet Home Ordinance 1108, Section 1, 1997.

Section 40. Sweet Home Municipal Code Section 9.32.010 entitled Discharge of Gun or Rocket is amended to read therein where the reference is to rock it is amended to read rocket.

Section 41. Sweet Home Municipal Code Section 9.32.020 entitled Possession and Use of Weapons is hereby repealed along with its enacting Sweet Home Ordinance 1036, Section 2Z2, 1991; Sweet Home Ordinance 1008, Section 2, 1989; Sweet Home Ordinance 939, Section 5, 1989; and Sweet Home Ordinance 886, Section 40, 1983.

Section 42. Sweet Home Municipal Code Section 9.32.030 entitled Seizure and Destruction of Firearms is hereby repealed along with its enacting Sweet Home Ordinance 1036, Section 2X8, 1991; and Sweet Home Ordinance 886, Section 42, 1983.

Section 43. Sweet Home Municipal Code Chapter 9.36 is amended to read as follows:

9.36.010 Establishment and Purpose.

A. A procedure to handle certain City Ordinance offenses as violations through the issuance of citations, subject to the provisions set forth below, is established pursuant to the home

rule power granted to the City by Article IV, Section 1, and Article X1, Section 2 of the Oregon Constitution and Chapter 1, Section 2, and Chapter VII of the City Charter.

B. The State of Oregon has established in ORS Chapter 153 a violation procedure that sets forth the requirements involved in processing violations.

C. The City has designated certain offenses in its Sweet Home Ordinances and thereby Sweet Home Municipal Code Sections as violations some being formerly known as infractions.

D. The City shall use the procedures set forth in ORS Chapter 153 to process City violations and state violations.

E. As allowed by ORS Chapter 153 and/or the home rule powers listed above for City violations the following procedures and rights set forth in the Sections of Chapter 9.36 shall supplement the ORS Chapter 153 procedures and rights for processing City violations.

9.36.020 Persons Authorized to Issue Citation and Sign Complaint.

A Citation may be issued and a complaint may be signed by a police officer, other city employee authorized by job description or otherwise to enforce the provisions of a Sweet Home City Ordinance that is alleged to have been violated or a private citizen based upon having reasonable grounds to believe, and does believe, that the person(s) cited or to be cited committed the violation.

9.36.030 Delivery of the Summons.

A. The city employee signing the complaint or the Court shall cause the summons to be delivered to the person who is alleged to have violated the Sweet Home Ordinance in issue.

B. Service shall be personal, by first class mail or certified mail, except the procedures set out in ORS 221.333 and ORS 810.425 concerning parking cases may be followed when applicable.

C. If the person against whom a complaint is or will be signed is a firm, corporation or other organization, service of the summons to any managerial employee, agent or representative thereof shall be sufficient to confer jurisdiction.

9.36.040 Violation - Penalty.

The penalty for committing an offense designated as a violation of a state statute shall be as set forth in the state

statute. The penalty for committing a City violation shall be a fine not to exceed \$500.00. The Court may suspend a fine, or a part thereof, on such conditions as it deems proper. Each day's violation of a provision of a Sweet Home City Ordinance and thereby Sweet Home Municipal Code Section designated as a violation shall constitute a separate offense.

9.36.050 Enforcement.

A. The procedure prescribed by this chapter shall be the procedure for imposing fines for violation of the Sweet Home Ordinances that are subject to the procedure. However, the City may use other remedies' set out in the Sweet Home Ordinances covered by this violation procedure to abate or alleviate Sweet Home Ordinance violations and recover expenses thereof.

B. The Court may hold defendants in contempt of Court for failing to comply with its mandates.

C. Delinquent fines which are assessed against a property owner for violations occurring on his or her real property, or for improper use of his or her real property, may be imposed as City Liens against said real property by resolution of the City Council and collected in the same manner as other such debts owing to the City, including using the procedures set out in Section 8.04.250, as now enacted or hereafter amended.

D. The City may revoke or deny any city license or permit held or desired by a person owing a fine to the City.

E. The Court may order a defendant to remedy a violation as part of a sentence and if the defendant does not comply with the Court order, the Court may order the violation be remedied by the City with the costs thereof paid by the defendant as the Court directs.

9.36.060 Prosecution of Offense Designated as Violation.

A. Procedures set out in this chapter for the prosecution of violations shall apply to all violations of city ordinances that are designated as violations, however, this section is not intended to apply to State traffic violations covered by Chapter 10.04, and amendments thereto, and the form and procedures set out in ORS 221.333 and ORS 810.425 concerning parking cases may be followed when applicable and the owner of a vehicle is responsible and liable as a defendant for any city parking violations, including those in the Vehicle Code.

B. Where a city ordinance or Sweet Home Municipal Code Section refers to Chapter 9.36 and states infraction the reference is amended to read violation.

C. Enforcement Officer for city ordinance violations includes in its meaning any person specifically named in an ordinance to enforce its provisions and any city employee by job description authorized to enforce the ordinance provisions.

D. The City of Sweet Home hereby retains and keeps to itself inviolate the powers to enforce its City Ordinances and Sweet Home Municipal Code Sections as allowed by law.

Section 44. Sweet Home Municipal Code Section 9.40.010 entitled Delivery and Possession of Controlled Substances is hereby repealed along with its enacting Sweet Home Ordinance 1113, Section 1(part), 1997; Sweet Home Ordinance 1002, Section 1, 1989; and Sweet Home Ordinance 886, Section 47, 1983.

Section 45. Sweet Home Municipal Code Section 9.44.010 entitled Fireworks is hereby repealed along with its enacting Sweet Home Ordinance 1113, Section 1(part), 1997; Sweet Home Ordinance 1036, Section 2Z, 1991; Sweet Home Ordinance 939, Section 4, 1986; Sweet Home Ordinance 919, Section 4, 1984; and Sweet Home Ordinance 886, Section 37, 1983.

Section 46. Sweet Home Municipal Code Section 10.04.030 is amended by adding to the end of the Section the following: All signs, signals, or other markings in place as of October 28, 2008, shall be considered to be traffic controls and parking controls that have been given full force and effect.

Section 47. Sweet Home Municipal Code Section 10.08.090 entitled Lights On Parked Vehicle is hereby repealed along with Section 16 of its enacting Sweet Home Ordinance 380, 1961.

Section 48. Sweet Home Municipal Code Section 10.11.040 is created to read as follows: Disposal of Vehicle Appraised at \$500.00 or Less. The procedures set forth in ORS 819.215 may be followed to dispose of a vehicle appraised at \$500.00 or less. The authority under this section to dispose of vehicles is in addition to any other provided by law.

Section 49. Sweet Home Municipal Code Section 10.20.030 is added to read as follows:

10.20.030 Penalties. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this chapter shall constitute a separate offense.

Section 50. Sweet Home Municipal Code Section 12.12.010 shall be amended by adding at the end of the section the following:

In the parks of the city, the city manager or his designee can with prior notice for special events grant exceptions to the park rules for said event.

Section 51. Sweet Home Municipal Code Section 12.12.050 shall read as follows:

12.12.050 Horses and Ponies. No person shall ride or lead any horse, pony, burro, or donkey in any park.

Section 52. Sweet Home Municipal Code Section 12.16.080 A last sentence shall read as follows: Minor pruning and maintenance does not require a permit.

Section 53. Sweet Home Municipal Code Section 13.04.030 the third sentence is amended to read as follows:

If the bill is not paid by the time it becomes delinquent, a delinquent notice shall be mailed to the customer notifying him of the possibilities of termination and the procedure for challenging a disputed bill.

Section 54. Sweet Home Municipal Code Section 13.04.080 is amended by adding a comma after the word personally in the second to the last sentence in said Section.

Section 55. Sweet Home Municipal Code Section 13.06.030 G where it refers to Section 8.4 shall be amended to read Sweet Home Municipal Code Section 13.06.070.

Section 56. Sweet Home Municipal Code Section 13.06.070 I is added to read as follows: Violation. In addition to any other remedy provided for the City herein violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this Chapter shall constitute a separate offense.

Section 57. An amendment of a Sweet Home Municipal Code Section or Sweet Home Municipal Code Chapter amends the corresponding Sweet Home Ordinance and an amendment to a Sweet Home Ordinance shall amend its counterpart Sweet Home Municipal Code Section or Chapter. Any amendment or repeal of an ordinance shall have no effect on a case or violation occurring before said date.

PASSED by the Council and approved by the Mayor this 28th day
of October, 2008.

Craig D. Fenteman
Mayor

ATTEST:

[Signature]
City Manager - Ex Officio City Recorder