

CITY OF BAY CITY
ORDINANCE NO. 591

AN ORDINANCE MODIFYING PENALTIES FOR CITY ORDINANCE
VIOLATIONS AND REPEALING ORDINANCE #218

- 1) Repeal. Bay City Ordinance # 218, codified as Bay City Ordinance 8-2, commonly known as the Circus Ordinance, is repealed in its entirety.
- 2) Ordinance # 588. Bay City Ordinance # 588, codified as Bay City Ordinance 5-1, commonly known as the "Dog Control" ordinance. Section 16, Fines, of Bay City Ordinance # ~~558~~ ⁵⁸⁸ is modified to read as follows:

"Any person found guilty of any violation of this ordinance shall be punishable as a Class D violation, as determined by the Tillamook County Justice Court, plus court costs and the actual cost and expense of the seizure, holding, treatment, maintenance and disposal of the offending dog."

- 3) Ordinance # 585. Bay City Ordinance # 585, codified as Bay City Ordinance 5-2, commonly known as the "Offenses" ordinance. Section 26, Violation, of Bay City Ordinance # 585 shall be modified to read as follows:

"Any person found guilty of any violation of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs.

- 4) Ordinance # 583. Bay City Ordinance # 583, codified as Bay City Ordinance 5-3 commonly known as the "Juvenile Curfew" ordinance, Section 4, Violations, is modified to be read as follows:

"Any person found guilty of violating any provision of Section 1 and/or 2 of this ordinance, shall be punishable as a Class B violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."

- 5) Ordinance # 586. Bay City Ordinance # 586, codified as Bay City Ordinance 5-4, commonly known as the "Nuisance" ordinance, Section 23, Penalties, is modified to read as follows:

"Any persons found guilty of violating any provision of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs.

- 6) Ordinance # 255. Bay City Ordinance # 255, codified as Bay City Ordinance 6-1, commonly known as the "Log" Ordinance, Section 6, is modified to read as follows:

"Any person found guilty of violating any provision of this ordinance shall be punishable as a Class C violation, for each offense, as determined by the Tillamook County Justice Court, plus court costs.

- 7) Ordinance # 317. Bay City Ordinance # 317, codified as Bay City Ordinance 6-2, commonly known as the "Traffic" ordinance, Section 49, Penalties, shall be modified to read as follows:

"(1) Except as may be limited by charter, violations of ORS provisions made offenses against this City are punishable to the same extent provided in the State statutes.

(2) Violations of Section 6 through 21, upon conviction, are punishable as Class C violations, for each violation, as determined by the Tillamook County Justice Court, plus court costs.

(3) Violations of Sections 22 through 40, upon conviction, are punishable as Class D violations, for each violation, as determined by Tillamook County Justice Court, plus court costs."

(4) Section 39 through 43 and Section 49(4) are repealed in their entirety.

- 8) Ordinance # 356. Bay City Ordinance # 356, codified as Bay City Ordinance 7-6, commonly known as the "Fire Code" ordinance, Section 13, Penalties, shall be modified to read as follows:

"Any person found guilty of any violation of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs.

- 9) Ordinance # 418. Bay City Ordinance #418, codified as Bay City Ordinance 7-7, commonly known as the "Parks" ordinance, Section 2, Penalties, shall be modified to read as follows:

"Any person found guilty of any violation of this ordinance shall be punishable as a Class D violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."

- 10) Ordinance # 470. Bay City Ordinance # 470, codified as Bay City Ordinance 7-8, commonly known as the "Tree Cutting" ordinance, Section 8, Violation, shall be modified to read as follows:
- "Any person found guilty of any violation of this ordinance shall be punishable as a Class B violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."
- 11) Ordinance # 468. Bay City Ordinance # 468, codified as Bay City Ordinance 8-1, commonly known as the "Junk Dealers" ordinance, Section 6, Penalty, shall be modified to read, as follows:
- "Any person found guilty of any violation of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."
- 12) Ordinance # 417. Bay City Ordinance # 417, codified as Bay City Ordinance 8-3, commonly known as the "Peddler" ordinance, Section 10, Penalty, shall be modified to read as follows:
- "Any person found guilty of any violation of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."
- 13) Ordinance # 312. Bay City Ordinance # 312, codified as Bay City Ordinance 8-4, commonly known as the "Auction" ordinance, Section 7, Penalties, shall be modified to read as follows:
- "Any person found guilty of any violation of this ordinance, shall be punishable as a Class D violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs."
- 14) Ordinance # 351. Bay City Ordinance # 351, codified as Bay City Ordinance 9-4, commonly known as the "Dangerous Building" ordinance, Section 11, Penalty, shall be modified to read as follows:
- "Any person found guilty of any violation of this ordinance, shall be punishable as a Class A violation, for each violation and for each day of violation, as determined by the Tillamook County Justice Court, plus court costs."
- 15) Person. A person is defined in this ordinance is any person, corporation, limited liability company, partnership or any legal entity.

- 16) Non-exclusive. Nothing in this ordinance shall be construed as being the only remedy available to the City of Bay City for violations of its ordinances. The City retains all other remedies available to it under its ordinances and authorized by State statute as well as all powers implied to the City.

In addition, nothing herein shall limit any other remedy imposed by the Tillamook County Justice Court, including community service, letter of apology, etc. This ordinance is only designed to impose maximum fine penalties for each violation of its ordinances.

- 17) Procedure. The City Fire Chief, Public Works Superintendent, designated Code Enforcement Officer, and City Recorder each have authority, upon violation of any ordinance provision, to issue a citation to the offending person or entity with an appearance date for that person's appearance into the Tillamook County Justice Court.
- 18) Severability. If a portion, of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

8 PASSED AND ADOPTED by the City Council and approved by the Mayor this day of May, 2001.

James A. Cole, Jr., Mayor
James A. Cole, Jr., Mayor

ATTEST:

Linda Dvorak

Linda Dvorak, City Recorder

First Reading:	<u>May 8, 2001</u>
Second Reading:	<u>May 8, 2001</u>
Adoption:	<u>May 8, 2001</u>
Ayes:	<u>6</u>
Nays:	<u>0</u>
Abstentions:	<u>0</u>