

ORDINANCE NO. 136

AN ORDINANCE AMENDING ORDINANCE NO. 122, THE DETROIT ENFORCEMENT ORDINANCE, REPEALING SECTIONS OF ORDINANCES IN CONFLICT AND DECLARING AN EMERGENCY.

"The City of Detroit, Oregon ordains as follows:"

Section 1. Purpose. The purpose of this ordinance is to amend the text in Ordinance No. 122, dated February 8, 1994.

Section 2. Section 6. The words: or police commissioner shall be deleted from this section.

Section 3. Section 8 (B) And (C). Shall be amended to read:

B. The city may at any time, whether before or after the issuance of one or more infraction complaints:

(1) Notify the property owner that a violation exists, and that action to rectify the violation shall be made within a specified time.

a. If the violation has not been abated by the property owner within the specified time, the city may proceed to abate the violation. The person charged with abatement of such violation shall have the right, at reasonable times, to enter into or upon the property to investigate or cause the removal of the violation. The city may assess the cost of abatement plus 10 percent administrative overhead to, and become a lien against the property within 60 days from the date of the notice to the owner of assessment of costs.

C. In addition to any other remedy provided by law to the city, the city may seek a fine of up to \$1000 for each separate violation pursuant to this ordinance.

Section 4. Section 9 (B). Shall be amended to read:

B. Two members of the city council shall have the right, at reasonable times, to enter into or upon the property to investigate the alleged violation of a city ordinance. Within thirty days (30) days of the filing of the ordinance complaint the city council shall:

(1) Have served an infraction complaint and prosecute;

(2) Decline to serve an infraction complaint or to prosecute; or

(3) Use other remedies in Section 8 (B) of this ordinance.

Section 5. Section 11 (D). Shall be amended to read:

Repealed
See
#209

D. The amount of forfeiture for a violation of the ordinance shall be \$750.00 for a first offense and \$1000.00 for all subsequent offenses of the same ordinance section.

Section 6. Section 12. Violator's Appearance, Payment of Fine, Request for Hearing, Statement, and Admission of Violation. Shall be amended to read:

A. The violator shall either appear in court at the time indicated in the summons, or prior to such time must do one of the following:

(1) Submit to the court an executed appearance, waiver of hearing, and admission of violation as set forth on the summons, together a statement of termination of the violation and cash, check or money order in the amount of ten (10) percent of the forfeiture set forth on the summons;

(2) Admit violation of the city ordinance and give a statement of matters in explanation, or abatement of the violation;

(3) Request a hearing.

B. In any case in which the violator personally appears in court at the time indicated in the summons, and the violator desires to admit the violation of the city ordinance, and the court accepts the admission the court shall hear any statement in explanation or mitigation that the violator desires to make.

C. If the violator does not appear in court at the time indicated in the summons, and has not, prior to such time, submitted any executed appearance and waiver of hearing to the court, together with cash, check or money order in the amount of ten percent of the fine set forth in the summons, or requested in writing a continuance of the time to appear in court, the court shall enter a judgement against the violator in an amount equal to the forfeiture for the violation together with any court cost or special costs.

Section 7. Section 13. Shall be amended to read:
Forfeiture.

A. If a violator has not requested a hearing, but has submitted to the court a written statement in explanation or abatement of the ordinance violation, the statement constitutes a waiver of hearing and consent to the entry of judgement against the violator. The court may declare a forfeiture of the fine or portion thereof on the basis of the statement, and/or any testimony if any, which may be presented to the court.

B. The municipal judge or such other judge as the council may designate from time to time may, in the exercise of the judge's discretion and where the judge deems cause to exist in a particular case, remit all or any portion of the forfeiture set forth on the face of the summons, or

require any additional sum the judge deems necessary.

Section 8. Section 18. Penalties. Shall be amended to read: A. Despite any penalty provision of any ordinance enacted prior to this ordinance all violations of city ordinances shall be considered an infraction punishable by a fine of up to \$750.00. Each day of violation shall constitute a separate offense.

B. All monetary penalties imposed pursuant to this ordinance shall be payable immediately. If the person who committed the infraction is unable to pay at that time, the court may, in its discretion, grant an extension of time or allow payment in installments.

Section 9. Section 21. Court Costs. Shall be amended to read:

A. The court, in addition to the fine, shall charge court costs to the violator where:

(1) The violator requests a hearing, admits violation of the city ordinance, and the minimum fine is imposed;

(2) The violator requests a hearing, admits violation of the city ordinance, and a fine other than the minimum fine is imposed;

(3) The violator fails to appear for the hearing, or is found to have violated a city ordinance following a hearing; or (4) The violator enters into an agreement with the city for a consent decree whereby the violator does not admit violation of the city ordinance, but agrees to make necessary corrections, as set forth in the agreement, in order to bring the violator's conduct, actions or property into compliance with city ordinances.

B. Court costs shall be \$100.00. Said costs cannot be waived by the city, the violator or the court in any proceeding. If the violator fails to pay the costs, the costs shall be entered as a judgment against the violator in the same manner and with like effect as a judgment for a fine.

Section 10. Repeal. Section 30-5 of Ordinance No. 30, Section 37-3 of Ordinance No. 37, Sections 3 and 4 of Ordinance No. 53, Section 8 of Ordinance No. 87, Section 6 of Ordinance No. 91, Section 4 of Ordinance No. 96, Section 1.090 of Ordinance No. 97, Section 15 of Ordinance No. 120 and Section 5 (C), (D), (F) and (G) of Ordinance No. 123; regarding penalties are repealed.

Section 11. Repeal. Ordinance No. 84-1 providing for the enforcement of City of Detroit Ordinances, dated June 14, 1988 is repealed.

Section 12. Emergency. It being necessary for the peace, health, safety and sound development of the city of Detroit, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the council and signature by the mayor.

Read first in full and by title only on March 14, 1995. Read a second time by title only on April 11, 1995. Passed by a vote of 3 ayes and 1 nays of the city council this 11th day of April, 1995.

Signed and approved by the mayor this 11th day of April 1995.


MAYOR

ATTEST this 14 day of April, 1995.


CITY RECORDER