

## ORDINANCE NO. 274

### AN ORDINANCE PROVIDING FOR ENFORCEMENT OF CITY ORDINANCES. THIS ORDINANCE REPEALS ORDINANCE 122, 136, AND 207 IN THEIR ENTIRETY.

The City of Detroit, Oregon ordains as follows:

#### **Section 1:** *Purpose.*

The purpose of this ordinance is to provide for the welfare, safety and health of the citizens of Detroit by establishing a procedure whereby the ordinances of the City of Detroit can be enforced quickly and cost-effectively. It is immediately necessary to enact this ordinance enforcement procedure in order to ensure timely enforcement of City ordinances and maintain public confidence and certainty in said ordinances.

#### **Section 2:** *Interpretations.*

In the interpretation and application of this Code, the following guidelines shall be followed:

- A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standards shall govern.
- C. All provisions shall be liberally construed in favor of the governing body.
- D. This Ordinance shall neither limit nor repeal any other powers granted under state statutes.

#### **Section 3:** *Jurisdiction.*

*The City shall have jurisdiction to enforce this code within the Detroit city limits.*

**Section 4: *Violation of Code Prohibited.***

Any violation to this Code is prohibited and upon conviction shall be punishable by a fine not to exceed \$500 per occurrence. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto or allow the continuation of an unsafe condition on property its owns or controls through an agreement with the owner of that property

**Section 5: *Penalty***

- A. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- B. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.
- C. Responsible party. If a firm or corporation violates a provision of this Code the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**Section 6: *Enforcement Officials.***

This Code shall be enforceable by law enforcement officer or any other enforcement official, each an "Enforcement Official" designated by the City Council.

**Section 7: *Complaints Regarding Violations.***

- A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint either in person or electronically with the City Recorder, or such other designee appointed by the City Council. All complaints filed will include the name and contact information for the individual filing the complaint along with a detailed description of the alleged violation.
- B. File complaint with City. Such complaints, stating fully the causes and basis thereof shall be filed with the City. The City shall properly record such complaints, investigate and take action thereon as provided by this Code



**Section 8:** *Violation Citation.*

- A. A violation citation may be issued by an Enforcement Official for violation of any city ordinance.
- B. A violation citation shall contain the following information:
  - 1. The name of the court, the name of the City of Detroit, in whose name the action is brought, and the name of the defendant(s).
  - 2. A statement or designation of the alleged violation(s) of City ordinance(s) in such a manner as can be readily understood by a person making a reasonable effort to do so; designation of the particular ordinance(s) violated; and the date, time and place at which the violation of county ordinance(s) is alleged to have occurred.
  - 3. A certification signed by the Enforcement Official issuing the violation citation stating that the Enforcement Official has reasonable grounds to believe, and does believe, that the person served with the violation citation violated a City ordinance, contrary to law.

**Section 9:** *Authority of the Hearings Officer.*

- A. The City's Hearings Officer shall have jurisdiction over all cases submitted in accordance with the procedures and conditions set forth in this chapter.
- B. The Hearings Officer may promulgate rules concerning procedure and the conduct of hearings to implement the provisions of this chapter.
- C. The Hearings Officer may order a party found in violation of the city code to comply with the provisions of the code or the applicable rule or regulation within such time as the Hearings Officer may by order allow. The order may require such party to do any and all of the following:
  - 1. Make any and all necessary repairs, modifications, and/or improvements to the structure, real property, or equipment involved;
  - 2. Abate or remove any nuisance or development contrary to the provisions of this Code;
  - 3. Change the use of the building, structure, or real property involved;
  - 4. Install any equipment necessary to achieve compliance;

5. Pay the city the civil penalty identified in Section 4;
6. Undertake any other action reasonably necessary to correct the violation or mitigate the effects thereof.

D. In the event any party fails to comply with any provision of an order of the Hearings Officer (except a provision requiring payment of a civil penalty only), the Hearings Officer may authorize the city to undertake such actions as the Hearing Officer may determine are reasonably necessary to correct the violation and/or eliminate or mitigate the effects thereof. The city's reasonable costs of such actions may be made a lien against the affected real property.

**Section 10: Stop-Order Hearing.**

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Mayor may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop order hearing. The Mayor shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 21 days after the effectiveness of any required notice. At the discretion of the Mayor, such hearing may be:
  1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred. The City Council shall hold this hearing and shall make written findings as to the violation within 21 days. Upon a finding of no violation the City Council shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the City Council that the violation has been abated. The City Council decision is subject to review under Chapter 4.1.5 – Type III (Public Hearing) Procedure.

**Section 11: Noise.**

- A. Prohibition on Excessive Noises. No person shall make, assist in making, permit, continue, or permit the continuance of any noise within the City of Detroit in violation of this chapter. No person shall cause or



permit any noise to emanate from property under that person's control in violation of this section.

B. Definitions.

1. **Noise disturbance** means any sound which is plainly audible and:

- a. Injures or endangers the safety or health of a human.
- b. Annoys or disturbs a reasonable person of normal sensitivity; or
- c. Endangers or injures personal or real property.

2. **Plainly audible** means where the listener clearly can hear the contents of the sound produced by the noise source. Sounds which may be plainly audible include, but are not limited to, musical rhythms, spoken words, vocal sounds, and engine noises.

C. Prohibitions. It is unlawful for any person to create or continue any noise disturbance.

D. Exceptions:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
2. Aircraft operations in compliance with applicable federal law or regulations;
3. Sounds created by refuse pickup operations;
4. Sounds created by domestic power tools during the period of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays, Sunday and Federal Holidays, provided sound-dissipating devices on tools so equipped are maintained in good repair;
5. Sounds made by emergency warning devices operating continuously for five minutes or less;
6. Sounds caused by business operations in the commercial and industrial zones, provided such sounds result from lawful commercial business activity or manufacturing operations;
7. Commercial construction activities during the period of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday, Sunday and Federal Holidays, provided equipment is maintained in

good repair and equipped with sound-dissipating devices in good working order;

8. Sounds caused by city maintenance equipment.

**Section 12: *Loitering.***

- A. No person may loiter in a place, at a time or in a manner not usual for law-abiding persons and under circumstances that warrant alarm for the safety of persons or property in the vicinity.
- B. Alarm will be deemed warranted under circumstances such as the suspected loiterer taking flight upon the appearance of an Enforcement Official, refusing to provide identification information or manifest concealment of the suspect's person or an object.
- C. Unless circumstances make it impractical, an Enforcement Official will afford the suspected loiterer an opportunity to dispel any alarm prior to an arrest for an offense under this section by providing identification information and an explanation of the suspicious conduct.
- D. Defenses to prosecution under this section include:
  - 1. Failure of an Enforcement Official to comply with subsection (C) of this section; or
  - 2. Appearance at trial that the information provided under subsection (C) was true and would have dispelled the alarm if believed by the Enforcement Official at the time.

**Section 13: *Curfew for Minors.***

- A. No minor under the age of 16 years shall be in or upon any street, highway, park, alley or other public place between the hours of 10:00 p.m. and 6:00 a.m. of the following morning, unless:
  - 1. Such minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor.
  - 2. Such minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or



3. The minor is emancipated pursuant to ORS 419B.550 through 419B.558.


- B. Parent or guardian not to allow curfew violation. A parent, guardian, or person having the care and custody of a minor under the age of 18 years shall not knowingly allow a minor to be in or upon any street, highway, park, alley or other public place between the hours specified.
- C. Enforcement. Any law enforcement officer may take any minor into custody for being in violation of the provisions.
- D. Duty of parent or guardian to get minor. No parent, guardian or other adult person having the legal care and custody of the minor shall refuse to come to the place of the minor's detention and take the minor into his or her custody immediately upon being notified by the Marion County Sheriff's Department.
- E. Penalty. Any parent, guardian or other adult person having the legal care and custody of the minor, who knowingly allows any minor to violate this section shall be subject, upon judgment to a civil fine.

Ordinance 274 signed by the Mayor this 13<sup>th</sup> day of February 2024, and becomes effective on the thirtieth day after enactment.

Signed:

Attest:

  
James R. Trett, Mayor

  
Michelle Connor, City Recorder

