

**Ordinance No. 06-O-572**

**AN ORDINANCE OF THE CITY OF BROOKINGS, OREGON, ADOPTING THE BROOKINGS MUNICIPAL CODE.**

WHEREAS, the City of Brookings has provided for the organization of the general ordinances of the City that have on-going effect into a code organized by subject matter; and

WHEREAS, the Code should be adopted as the body of law of the City;

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted a new Chapter 1.01 of the Brookings Municipal Code to read as follows:

**Section 1.01.010 Adoption, Amendment and Repeal.**

(1) There is hereby adopted the Brookings Municipal Code which consists of the ordinances of the City that have ongoing effect and which have not expired according to their own terms.

(2) This Code may be cited as the Brookings Municipal Code.

(3) This Code may be amended by reference to Code Section without the necessity of referring to the underlying ordinance.

(4) New ordinances may be added to the Code, and if an ordinance is enacted with a numbering system that is inconsistent with the Code numbering system, the City Clerk is authorized to assign an appropriate code number and to codify the ordinance accordingly.

(5) The repeal of any code section does not revive the original text of the Code Section, but rather, repeal of an existing section repeals the underlying ordinance section and all of its amendments.

**Section 1.01.020 Repeal of certain ordinances.**

The following general ordinances or sections of ordinances of the city are hereby repealed:

Ord. 51-O-004, Section 4(D)

Ord. 51-O-013, Sections 3, 4, 5, 6, 15, 19, 29, 30, 34, 35, 37, 38, 39, 40, 41, 42, 44, 45, 48, 51, 55, 56, 62, 64, 68, 69, 70, 72, 73, 86, 92

Ord. 52-O-012.A

Ord. 52-O-025

Ord. 52-O-031, Section 6

Ord. 53-O-052

Ord. 54-O-056, Section 9

Ord. 55-O-070

Ord. 57-O-105

Ord. 57-O-106

Ord. 58-O-112  
Ord. 58-O-115  
Ord. 59-O-134, Sections 4, 11  
Ord. 61-O-157, Sections 10(D), 12, 17, 41, 64  
Ord. 64-O-178  
Ord. 66-O-184 to the extent that it amends Ord. 51-O-013, Section 19  
Ord. 66-O-185  
Ord. 66-O-190, Sections 10, 28(C)  
Ord. 79-O-309, Sections 14, 16  
Ord. 79-O-315  
Ord. 79-O-324  
Ord. 80-O-348  
Ord. 84-O-387, Sections 5, 12  
Ord. 86-O-406, Section 7(D)  
Ord. 88-O-432, Sections 10, 28(C)  
Ord. 89-O-439  
Ord. 89-O-446, Sections 1, 8 (definition of "condominium"), 128, 132  
Ord. 89-O-450, Sections 4, 5  
Ord. 90-O-115.A  
Ord. 90-O-190.A  
Ord. 90-O-387.A, Section 3  
Ord. 91-O-477, Section 15  
Ord. 97-O-115.B  
Ord. 00-O-535, Section 22(C)(5)

**Section 1.01.030 Reservation of prosecutions.** The adoption of this code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the Municipal Code, nor shall the adoption of the Municipal Code be construed as a waiver of any license, fee, or penalty due and owing at the effective date of the code adoption, nor shall adoption affect the validity of any bond or cash deposited with the City pursuant to the terms of any ordinance, upon its codification; but rather, all rights and obligations pertaining under ordinances in effect prior to codification shall remain in full force and effect.

**Section 1.01.040 Severability.** If any section, subsection, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The City declares that it would have enacted this code, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. There is hereby adopted a new Chapter 1.05 of the Brookings Municipal Code to read as follows:

**Chapter 1.05**

**GENERAL PENALTY**

Sections:

1.05.010 General Penalty

**1.05.010 General Penalty**

A. Violations. Except where a chapter of this code imposes a specific penalty, every offense is a violation which may be punished by a fine up to \$500; provided, that where Oregon statutes impose a lesser penalty for the same offense, then the lesser penalty shall apply. Each day or part of a day for which a violation is committed or persists is a separate offense.

B. Traffic Violations. The city's enforcement of the Oregon Traffic Code shall be as provided in Chapters 801 through 826 ORS.

C. Administrative Enforcement. Where a chapter of this code provides that enforcement shall be through an administrative process, the provisions for administrative procedures shall apply rather than this section.

D. Equitable and Other Remedies Preserved. Nothing in this section prohibits the city seeking equitable relief or damages in addition to judicial or administrative enforcement of its ordinances.

INTRODUCED AND ADOPTED By the City of Brookings Council and signed by me in

authentication of its passage the 11th day of April 2006.



Mayor Pat Sherman  
Director/Recorder



Paul Hughes, Finance