

ORDINANCE NO. 743

AN ORDINANCE AMENDING CHAPTER 1.04, GENERAL PROVISIONS, OF THE TROUTDALE MUNICIPAL CODE, ADDING A PENALTY PROVISION

The Troutdale City Council finds:

1. Enforcement of the Troutdale Municipal Code throughout the city fulfills an important public service. Code enforcement is vital to protection of the public's health, safety and quality of life.
2. Enforcement depends upon clear regulations that can be effectively applied in administrative enforcement hearings and judicial proceedings.
3. The Troutdale Municipal Code does not contain a general penalty provision that applies to violations of any of the provisions in the code, ordinances, agreements or city imposed conditions.
4. This Ordinance is necessary to hold individuals who fail or refuse to comply with provisions of the code, ordinances, agreements, or city imposed conditions accountable, where no specific means for holding them accountable is otherwise provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Chapter 1.04, General Provisions, is amended to add a new Section, 1.04.095, Violations – Penalty, to read as follows:

1.04.095 Violations - Penalty

A. It is unlawful for any person to violate any provision of this code, an ordinance adopted by the Troutdale City Council, an agreement with the city, a permit issued by the city, or any condition imposed by the city.

B. Any person violating any provision of this code, an ordinance adopted by the Troutdale City Council, an agreement with the city, a permit issued by the city, or any condition imposed by the city, where no specific penalty is provided in the agreement, permit, condition, ordinance or separate section of the Troutdale Municipal Code, may be ordered to:

1. Pay a fine in an amount up to but not exceeding \$1,000;
2. Engage in conduct, or disengage in the conduct that constituted the violation;

3. Pay restitution to the City or a third party in an amount equal to the damages and costs that were incurred as a result of the violation; and/or

4. Perform community service.

C. Each such person charged with violating any provision of this code, an ordinance adopted by the Troutdale City Council, an agreement with the city, a permit issued by the city, or any condition imposed by the city, shall be guilty of a separate violation for each and every day during any portion of which any violation is committed, continued, or permitted by such person. A separate penalty may be imposed for each violation.

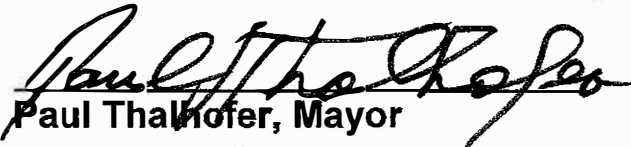
D. In addition to the penalties above, any condition caused or permitted to exist in violation of any provision of this code is a public nuisance and may be abated by the city. Any person that the municipal court finds has violated this code may be ordered to abate the nuisance that exists as a result of the violation. If the person fails to abate the nuisance, the city may abate the nuisance in accordance with section 8.28.140 of this code.

Section 2. This Ordinance shall apply to any violation that is the subject of a city initiated enforcement action after the effective date of this Ordinance, regardless of the date when the violation occurred.


YEAS: 6

NAYS: 0

ABSTAINED: 0


Paul Thalhofer, Mayor

Dated: February 12, 2004


Debbie Stickney, City Recorder

Adopted: February 10, 2004