

# Notice of Public Meeting

## Notice of Council Work Session

### AGENDA

#### CITY COUNCIL - CITY OF FALLS CITY, OREGON

Meeting Location: 320 N Main Street, Falls City

Thursday March 19, 2015 7:00 p.m.

Posted on March 13, 2014

- 1) **Call to Order**  
A) Roll Call: Julee Bishop \_\_\_\_ Dennis Sickles \_\_\_\_ Lori Jean Sickles \_\_\_\_ Jennifer Drill \_\_\_\_  
Tony Meier \_\_\_\_ Gerald Melin \_\_\_\_ Terry Ungricht, Mayor \_\_\_\_
- 2) **Pledge of Allegiance**
- 3) **Motion to Adopt the Entire Agenda**
- 4) **Consent Agenda: Motion Action Approving Consent Agenda Items**  
  
None
- 5) **Public Comments:** Citizens may address the Council or introduce items for Council consideration on any matters. Council may not be able to provide an immediate answer or response, but may direct staff to follow up on any questions raised. Out of respect to the Council and others in attendance, please limit your comment to five (5) minutes. Please state your name and city of residence for the record.
- 6) **New Business:**  
A) Council direction on, job duties, hours, RFP, of City Manager.....pages 2 - 10  
B) Council direction on Code Enforcement.....pages 11- 37
- 7) **Correspondence, Comments, and Ex-Officio Reports**  
A) Council Reports  
B) Mayor Reports  
C) City Manager Reports
- 8) **Council Announcements**  
A) Next Meeting April 9, 2015  
B)
- 9) **Adjourn**

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

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## **AGENDA REPORT**

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**To:** City Council  
**From:** Mayor Terry Ungricht  
**Subject:** City Manager RFP  
**Date:** 03/13/2015

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### **Summary**

Council requested a work session to discuss; job requirements, job qualifications, amount of FTE and RFP for the position of City Manager.

### **BACKGROUND**

Falls City has been operating with an interim City Manager after the resignation of City Manager Amber Mathiesen. Council has discussed how they would like to fill the position and this meeting is to decide the duties, hours, and educational/experience requirements Council wants to set for the RFP process.

### **Previous Council Action**

Council has discussed and studied what they would like for this position.

### **ALTERNATIVES/FINANCIAL IMPLICATIONS**

Council's decision on the job qualifications will drive what is budgeted for this position.

### **STAFF RECOMMENDATION**

Direction on what will go into the RFP.

### **EXHIBITS**

Chapter 8, appointive officers, of the Falls City Charter. Ordinance 540-2014 setting up City Manager Duties, Municipal Code 31.01 City Manager. Administrator duties.

### **PROPOSED MOTIONS**

N/A

## **Chapter VIII**

### **APPOINTIVE OFFICERS**

#### **Section 33. City Manager.**

a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

d) The duties and empowerments of the City Manager will be set by ordinance. The manager has no authority over the council or over the judicial functions of the municipal judge.

e) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

f) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem will be the Mayor until another manager pro-tem is appointed. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

g) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

**ORDINANCE NO. 540-2014**

An Ordinance establishing the duties and powers of the City Manager under the new City Charter; and declaring an emergency.

WHEREAS, the City of Falls City is an Oregon home-rule municipal corporation; and

WHEREAS, the voters of Falls City approved a new City Charter on November 4, 2014; and

WHEREAS, Section 33(d) of the new City Charter states that the duties and empowerments of the City Manager will be set by ordinance.

**NOW, THEREFORE, THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:**

SECTION 1: Falls City Municipal Code Chapter 31.01 Recorder/Administrator is hereby repealed.

SECTION 2: A new chapter, Chapter 31.01 City Manager, is adopted. The provisions attached hereto as Exhibit A, and by reference incorporated herein, are added to and made a part of Falls City Code Chapter 31.01.

SECTION 3: This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

READ FIRST TIME AND SECOND TIME, AND PASSED AND ADOPTED by the Common Council of the City of Falls City this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote.

AYES \_\_\_\_ NAYS \_\_\_\_ ABSENT \_\_\_\_

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Amy Houghtaling, Mayor

ATTEST

\_\_\_\_\_  
Jon G. Hanken, City Recorder/Administrator

## **EXHIBIT A**

### **City Manager Duties**

#### **§ Municipal Code 31.01 City Manager.**

(A) There is hereby created the Office of City Manager, who shall be the administrative officer of the city. The City Manager shall hold office for an indefinite term and shall serve at the pleasure of the City Council, and shall be responsible to the City Council for the proper administration of the city. The City Manager may be removed from office at any time with or without cause by majority vote of the entire Council. The City Manager shall be chosen without regard to political considerations and solely on the basis of ability, as determined by the Council.

(B) The City Manager shall be required to give a fidelity bond in an amount fixed by the City Council conditioned upon the faithful performance of his or her duties. The premium of the bond shall be paid by the city.

(C) The City Manager shall have general supervision of administrative affairs of the city and the work of all city departments, and general supervision of all nonelective officers and employees of the city, except the Offices of Municipal Judge and City Attorney. The Council may, by motion, resolution, or ordinance, provide rules under which the City Manager shall conduct his or her office and the affairs of the various departments of the city.

(D) The duties of the City Manager shall be as follows:

(1) To recommend to the Council ordinances and policies designed to maintain or improve the efficiency of city government;

(2) To perform any other duties as prescribed by City Charter or ordinance, or as the Council may require;

(3) To submit to the Mayor and Council a list of interested citizens to fill any position appointed by the Mayor or elected by the Council;

(4) To prepare the annual budget for consideration by the Council and Budget Committee;

(5) To act as administrative head of all departments of the city government, and oversee the operations of the departments, and keep Council apprised as to the functioning of the departments;

(6) To act as manager with authority to recruit, hire, discipline, and terminate the employees under the City Manager's supervision following existing or subsequently issued guidelines, policies, and handbooks as adopted by the Council by resolution or ordinance, to establish and revise duties and job descriptions and to set salaries and grant merit increases and promotions within the constraints of the approved budget. Authority to grant across-the-board cost of living increases shall remain with the Budget Committee and Council;

(7) To prepare agendas;

(8) To act as business agent of the City Council in connection with city business;

(9) To act, within the adopted budget by line item as approved by the City Council, as purchasing agent for all departments of the city;

(10) To coordinate the enforcement of all city ordinances relating to enforcement of city ordinances under the advice of the Council;

(11) To ensure that provisions of all franchises, agreements, contracts, leases, permits or other agreements, and privileges granted by, or entered into, by the city are enforced and observed;

(12) To maintain general supervision over all city property and its use by the public or city employees;

(13) To advise the Council as to the needs of the city and to prepare and furnish all reports requested by the Council;

(14) Keep accurate personnel records/files;

(15) To perform and/or assist with general reception duties; and

(16) To perform any other duties as may be prescribed by the City

Council.

(E) The City Manager shall attend all Council meetings, and shall normally participate in all discussions coming before the Council, but shall have no vote.

(F) The Council may enter into a contract with the City Manager stating terms and conditions of employment.

(G) The salary of the City Manager shall be determined by action of the Council.

(H) The performance of the City Manager shall be evaluated by the City Council annually or as recommended by the Council. The Mayor shall, on behalf of the Council, coordinate the obtaining of written and oral information to assist the Council in the evaluation.

(I) The City Manager may request that the Council appoint an ad hoc Personnel Committee to assist with personnel issues. The function of the Personnel Committee shall be an advisory one.

**Administrator tasks and duties:**

1. Council
  - a. Manage Council Actions, provide reports, record outcomes
  - b. Prepare ordinances and resolutions
  - c. Maintain the city code based on Council actions
  - d. Codify new ordinances
2. Elections
  - a. Serve as city elections officer
  - b. Prepare elections materials for candidates
  - c. Assist candidates with filings
  - d. Transmit filings to the county
3. Technology
  - a. Develop web content, post meeting agendas, minutes and other materials
  - b. Monitor "Contact Us" email, prepare and send responses.
  - c. Maintain social media accounts such as Facebook. Post content (daily when possible) monitor posts, respond as appropriate.
  - d. Serve as point of contact to IT services with Minet.
4. Personnel Management
  - a. Monitor and adjust work schedules, tasks, and workload as appropriate.
  - b. Assures that assigned areas of responsibility are performed within budget
  - c. Monitor performance and provide annual reviews.
  - d. Confer with CIS and LGPI when necessary.
  - e. Maintain personnel files.
5. Records
  - a. Serve as the records manager
  - b. Respond to public records requests, review for redactions and exemptions
  - c. Maintain public records request files
  - d. Maintain city records in accordance with OAR 166.200
  - e. Archive records, manage destruction schedule and method
  - f. Train other staff for records retention and maintenance.
6. Notary
  - a. Review documents for conformity and completion
  - b. Maintain security of notary log
7. Finance
  - a. See Finance Director Duties
8. Court
  - a. See Court Clerk Duties
9. Planning/Building
  - a. Serve as point of contact for COG
  - b. Review staff reports for code compliance
  - c. Approve building and planning permits

## 10. General Duties

- a. Attend City Manager Meetings
- b. Attend Mayor's Breakfast meetings
- c. Participate as a member of OAMR
- d. Participate as a member of OCCMA
- e. Participate as a member of ELGL
- f. Participate as a member of GFOA
- g. Serve as liaison to City Attorney
- h. Serve as member of Polk County Tourism Group
- i. Serve as member of Rural Tourism Studio

## Finance Director Duties:

Completes all functions of Finance Department

1. Budget
  - a. Prepares preliminary and final budget Budget Committee, publishes appropriate legal notices and files State required documents with County Assessor and County Clerk
  - b. Monitor adopted Budget throughout year to insure expenditures do not exceed budgetary appropriations and revenues are materializing as forecast
  - c. Develop short and long range financial reports
2. Finance
  - a. Accounts Payable
    - i. Verify purchases as valid and received, work with vendors and staff with issues as needed
    - ii. Code expenses to correct budget line items, create checks, sign and distribute
  - b. Accounts Receivable
    - i. Verify cash and checks received 'over-the-counter' and through direct deposit to the Local Government Investment Pool or bank
    - ii. Code and record deposits to correct budget line items
    - iii. Deliver deposits to the bank
  - c. Payroll
    - i. Verify time and oversee payroll checks creation
    - ii. Oversee State and Federal payroll reports creation and sign same
    - iii. Oversee PERS reports and create journal entries for correct charge to line items in budget
    - iv. Create workers compensation reports
  - d. General Ledger

- i. Maintain chart of accounts
    - ii. Create new Funds as may be necessary
    - iii. Write adjusting journal entries
    - iv. Oversees reconcile of LGIP and bank accounts
  - e. Cash Flow and Investing
    - i. Estimate and monitor cash flow
    - ii. Invest city funds with LGIP and draw as needed
  - f. Audits
    - i. Prepare audit schedules and reports as requested by city auditors for general audit
    - ii. Prepare audit schedule for Worker's Compensation audit
- 3. Risk Management
  - a. Serve as Risk Manager/Safety Officer for City
    - i. Point of contact for all Liability, Auto, Property and Worker's Compensation claims for the City.
    - ii. Responsible for the correct and timely filing of all potential and realized insurance loss reports
    - iii. Chair safety meetings and prepare minutes
    - iv. Create and file all OSHA reports as required
    - v. Point of contact for employee health insurance benefits for both the employees and the City's insurance carrier
    - vi. Responsible for the Volunteer Roster maintained with the insurance carrier.
- 4. General Duties
  - a. Direct City staff on financial matters
  - b. Direct City staff on grant applications and file related reports to appropriate agencies
  - c. Coordinate issuance of debt and ensure repayments of debt obligations are timely.
  - d. Assist staff as needed with daily issues
  - e. Coordinate IT upgrades and repair with city contractor
  - f. Serve as first point of contact/liaison to:
    - i. CIS Insurance Services
    - ii. LGIP (Local Government Investment Pool)
    - iii. US Bank
    - iv. SW Rural Fire Protection District (financial issues)
    - v. USDA (United States Department of Agriculture) long term debt Water & Sewer
    - vi. Grove, Mueller & Swank, city auditors
    - vii. PERS

**Court Clerk Duties:**

1. Work with code enforcement officer for court case load.
2. Set court dates, prepare files for the judge.
3. Set up court room, check in all clients
4. Track fines issued, and other judgments made.

5. Collect fines when possible at court.
6. Issue letters of judgment following court.
7. Send letters to those who have not paid.
8. Coordinate trials, appeals and ensure attorney has all materials needed to try cases.
9. File case materials, make collection efforts monthly.
10. Close cases as appropriate
11. Maintain court records according to OAR 166.200

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## AGENDA REPORT

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**To:** City Council  
**From:** Mayor Terry Ungricht  
**Subject:** Code Enforcement  
**Date:** 03/13/2015

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### **Summary**

Council requested a work session to discuss how The City wants to move forward on developing a Code Enforcement process that is effective and affordable.

### **BACKGROUND**

Falls City budgeted \$14,420.00 for a Code Enforcement Officer at 8 hours per week. We were able to fill that position with Eric Lloyd until his resignation. The City staff put out an RFP but was unable to fill the job at the hours that was budgeted. Council has discussed how to afford within the budget an Officer, but has decided that we can not afford added hours to the position. Council has directed staff to explore other methods of Code Enforcement.

### **Previous Council Action**

Council budgeted for 8 hours per week in the last budget cycle, 2014-2015.

### **ALTERNATIVES/FINANCIAL IMPLICATIONS**

Council's decision on the job qualifications or Council driven enforcement will drive what is budgeted for this position.

### **STAFF RECOMMENDATION**

N/A

### **EXHIBITS**

Resolution 2012-12 adopting job descriptions. Oregon Code Enforcement Association certification manual. City of Detroit ordinance 207, setting up a Council driven Code Enforcement program, ordinance complaint form, and an action report on violations of ordinances.

### **PROPOSED MOTIONS**

N/A

**RESOLUTION 2012-12**

**A RESOLUTION ADOPTING JOB DESCRIPTIONS FOR THE CITY OF FALLS CITY**

**WHEREAS**, the City of Falls City recognizes the need for job descriptions for city employees, in preparation for the adoption of a revised human resource manual; and

**WHEREAS**, the City of Falls City finds that it is in the best interest of both the city and staff to maintain current job descriptions for employees; and

**WHEREAS**, it is necessary, from time to time, to make amendments to job descriptions in order to update and better adapt the responsibilities to fit the current needs and situations; and

**WHEREAS**, job descriptions provide the base for annual performance reviews.

**NOW THEREFORE,**

**THE COMMON COUNCIL OF THE CITY OF FALLS CITY RESOLVES AS FOLLOWS:**

*Section 1.* That the job description for Code Enforcement Officer, as set forth in Attachment "A" is hereby adopted.

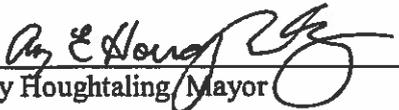
*Section 2.* That the revised job descriptions and position titles for City Clerk and Office Assistant, as set forth in Attachment "A" are hereby adopted.

*Section 3.* This Resolution was duly PASSED and ADOPTED by the Falls City Council this 24 day of July 2012, and takes effect upon signing by the Mayor.

AYES 5 NAYS 0 ABSTAINED 0 ABSENT 1

Approved:

7/24/2012  
Date

  
Amy Houghtaling Mayor

Attest:

7/24/2012  
Date

  
Domenica Protheroe  
City Clerk

**Attachment "A"**  
**City of Falls City**  
**Code Enforcement Officer**

**Purpose of Position:**

Under the general direction of the City Administrator performs code enforcement functions including but not limited to general city code enforcement, i.e. signs, setbacks, illegal construction, nuisance abatement, abandoned vehicle abatement, prepare and present public presentations relative to city code enforcement activities, issuing citations as necessary, taking appropriate abatement actions, representing the City in Municipal Court.

**Essential Job Functions:**

The following duties are not inclusive of all duties and the incumbent performs other related duties as required:

- Conduct case or incident investigations and related follow-up activities, gather and preserve evidence, interview and take statements from involved persons and witnesses, prepares related reports.
- Issues warning letters and violation citations as needed and assists City Attorney in preparing documentation for court appearances and testifies in court hearings.
- Responds to public questions related to enforcement requirements, procedures, and policies.
- Prepares public information related to code and ordinance compliance.
- Prepares written documents for presentation and briefing.
- Establishes and maintains related correspondence and evidence.
- Proposes ordinance revisions or procedures.
- Proficient in Microsoft Office Suite and other technical software as may be required to support the position.
- Work in an independent manner. Understand and carry out a variety of complex instructions.
- Demonstrate professionalism in all aspects of customer relations and staff relationships.
- Recommend solutions that help resolve issues relating to policies and procedures.
- Follows record management standards and records retention schedules for all records in the City.
- Maintain a safe work environment.

**Auxiliary Functions:**

Ability to work with the general public, regulatory agencies, City Councilors, and other city staff on a regular basis.

**Job Qualifications Requirements:**

**Mandatory Requirements:**

High school graduate or equivalent, however possession of AA degree or Bachelors degree is desirable. Must have at least 2 years dealing with the public in an enforcement, inspection, investigation, or customer service capacity.

Maintain a safe working environment.

**Licenses/Certifications:** Valid Oregon Driver's License with driving record acceptable to the City and the City's insurance carrier.

**Supervision Received:**

Work is performed under the general direction of the City Administrator.

**Supervisory Responsibilities:**

None.

**Hours:**

This is a part time position with hours to be worked established at hire date.

**Physical Demands and Working Conditions:**

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job.

**Environment-** Requires working in an office environment and in the field.

**Mobility-** Light lifting (lift or move 25 pounds), walking, standing or sitting for prolonged periods of time; bending, stooping, typical of an office work environment.

**Vision-** Visual acuity allowing safe operation of assigned equipment.

**Other Factors-** Incumbent may be exposed to physical hazards from obstacles, unstable structures, infectious waste, debris, noxious fumes, toxic chemicals, automobile traffic, possible criminal activity while conducting investigations, and angry citizens.

**This description covers the most significant essential and auxiliary duties performed but does not include other occasional work which may be similar, related to, or logical assignments to the position.**

**The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Attachment "A"**  
**City of Falls City**  
**City Clerk**

**Purpose of Position:**

Under the general direction of the City Administrator performs a variety of technical, legal, organizational and administrative duties. Undertakes highly responsible, confidential administrative duties and special projects in support of the City Administrator, Mayor, and City Council.

**Essential Job Functions:**

The following duties are not inclusive of all duties and the incumbent performs other related duties as required:

- Highly proficient in Microsoft Office Suite and other technical software as may be required to support the position.
- Maintains regular job attendance and adherence to working hours.
- Manage the Utility Billing process/system.
- Manage the collection of utility payments.
- Work in an independent manner. Understand and carry out a variety of complex instructions.
- Composes correspondence and other documents on a wide variety of subjects requiring knowledge of the procedures and policies of the city; creates, edits and processes memoranda, legal and technical documents and other communications.
- Acts as hands on professional with outstanding interpersonal, communication and technical skills, with an appreciation for the new technology in order to make the office more efficient and responsive to the City and its citizens.
- Demonstrate professionalism in all aspects of customer relations and staff relationships.
- Make day-to-day decisions in operation of area of specialty.
- Create bank deposits as necessary and maintain cash controls as required.
- Consult on city budget for work area.
- Contact suppliers and order office supplies as needed.
- Maintain a safe work environment.
- Collaborates with other staff to assist in the development and implementation of goals, objectives, policies and priorities.
- Recommend solutions that help resolve issues relating to policies and procedures.
- Compose, update, and administer policies and procedures for the front office and to maintain compliance with state law for Records Management Program, Public Records Request Procedures
- Preserves, maintains and indexes official City records and documents including contracts, agreements, resolutions, ordinances and orders in compliance with Federal, State, and Local laws by various means of approved media.
- Attend City Council meetings.
- Record and edits the minutes of the City Council.

- Prepare meeting agendas and packets for Parks and Recreation Committee, and Public Works Committee.
- Establishes and enforces record management standards and records retention schedules for all records of the City.
- Provide public information and records upon request in compliance with the Oregon Public Records Law. Respond to public inquires and concerns.

**Auxiliary Functions:**

Ability to work with the general public, regulatory agencies, advisory boards, City Councilors, and other city staff on a regular basis. Assures that citizen and other inquiries and complaints relating to and department activity are investigated and resolved quickly and courteously. Maintain proficiency by attending training conferences and meetings, reading materials and meeting with others in areas of responsibility.

**Job Qualifications Requirements:**

**Mandatory Requirements:**

Graduation from an accredited four year college or university with a degree in Public Administration, Business Administration, or closely related field; or 7 to 10 years of increasingly responsible experience in municipal or private sector as a City Clerk, Assistant to the City Administrator, Executive Assistant; or equivalent combination of experience and training.

Maintain a safe working environment by having knowledge of and insuring all safety policies and procedures are followed by staff.

**Knowledge of:**

- Principles, practices, and techniques of public administration, City government, City policies and procedures.
- Government budget policies and procedures.
- Principles of City administration.
- Records Retention.
- Reporting and disclosure requirements of government entities.
- Research methods, report composition and preparation techniques, etc.

**Licenses/Certifications:** Valid Oregon Driver's License with driving record acceptable to the City and the City's insurance carrier; Certified Municipal Clerk designation is highly desirable.

**Supervision Received:**

Work is performed under the general direction of the City Administrator or Mayor as appropriate.

**Supervisory Responsibilities:**

Supervises the part-time office assistant.

**Hours:**

Maintain regular job attendance and adherence to established work hours to achieve 40 hours per week.

**Physical Demands and Working Conditions:**

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job.

**Environment-** Standard office environment.

**Mobility-** Moderate or light lifting (lift or move 30 pounds), walking, standing or sitting for prolonged periods of time; bending, stooping, typical of an office work environment.

**Vision-** Visual acuity allowing safe operation of assigned office equipment.

**Other Factors-** Incumbent may be required to work extended hours including evening meetings. Incumbent must live within 30 minutes travel time of the city.

**This description covers the most significant essential and auxiliary duties performed but does not include other occasional work which may be similar, related to, or logical assignments to the position.**

**The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Attachment "A"**  
**City of Falls City**  
**Office Assistant**

**Purpose of Position:**

Under the general direction of the City Clerk performs a variety of technical, legal, secretarial, organizational and administrative duties.

**Essential Job Functions:**

The following duties are not inclusive of all duties and the incumbent performs other related duties as required:

- Proficient in Microsoft Office Suite and other technical software as may be required to support the position.
- Maintains regular job attendance and adherence to working hours.
- Enter data into and produce reports from the Utility Billing system.
- Work in an independent manner. Understand and carry out a variety of complex instructions.
- Composes correspondence and other documents on a wide variety of subjects requiring knowledge of the procedures and policies of the city; creates, edits and processes memoranda, and other communications.
- Demonstrate professionalism in all aspects of customer relations and staff relationships.
- Recommend solutions that help resolve issues relating to policies and procedures.
- Follows record management standards and records retention schedules for all records in the City.
- Create bank deposits as necessary and maintain cash controls as required.
- Contact suppliers and order office supplies as requested.
- Maintain a safe work environment.
- Preserves, maintains and indexes official City records and documents including contracts, agreements, resolutions, ordinances and orders in compliance with Federal, State, and Local laws by various means of approved media.

**Auxiliary Functions:**

Ability to work with the general public, regulatory agencies, advisory boards, City Councilors, and other city staff on a regular basis.

**Job Qualifications Requirements:**

**Mandatory Requirements:**

High school graduate or equivalent: at least 3 years of general office environment experience.

Maintain a safe working environment.

**Knowledge of:**

- Principles, practices, and techniques of public administration, City government, City policies and procedures.
- Records Retention.
- Reporting and disclosure requirements of government entities.
- Research methods, report composition and preparation techniques, etc.

**Licenses/Certifications:** Valid Oregon Driver's License with driving record acceptable to the City and the City's insurance carrier.

**Supervision Received:**

Work is performed under the general direction of the City Clerk.

**Supervisory Responsibilities:**

None.

**Hours:**

This is a part time position with hours to be worked established at hire date.

**Physical Demands and Working Conditions:**

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job.

**Environment-** Standard office environment.

**Mobility-** Moderate or light lifting (lift or move 30 pounds), walking, standing or sitting for prolonged periods of time; bending, stooping, typical of an office work environment.

**Vision-** Visual acuity allowing safe operation of assigned office equipment.

**Other Factors-** Incumbent may be required to work extended hours including evening meetings.

**This description covers the most significant essential and auxiliary duties performed but does not include other occasional work which may be similar, related to, or logical assignments to the position.**

**The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Oregon Code Enforcement Association**  
**OCEA**



**Certification Manual**  
Background and Introduction

**[WWW.ORCEA.ORG](http://WWW.ORCEA.ORG)**

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# **Oregon Code Enforcement Association**

## **OCEA**

### **Certification Manual**

#### **Background and Introduction**

Code Enforcement Professionals working within the state of Oregon, United States of America, are dedicated to the health, safety and welfare of all citizens and visitors to our state, its counties and cities.

The Oregon Code Enforcement Association was established on August 9, 1995 by code enforcement professionals that recognized the need for specialized training, a forum to share information of common interest among members, and a means to promote the service of code enforcement to government leaders and the public we serve.

The Oregon Code Enforcement Association is a non-profit corporation funded by membership dues and donations. We are not a political action committee and do not endorse any partisan political activities or positions. We are not a labor organization and therefore, do not participate nor advocate in individual labor issues. We do however, endorse and promote programs and legislation that further the training, education and professionalism of code enforcement personnel throughout the State of Oregon.

The Oregon Code Enforcement Association welcomes its members and seeks active partnerships with government agencies and private industry alike.

OCEA certification program was created to measure the level of training a code enforcement professional has received and to set a goal for each member to achieve and maintain. Certification is offered to members in good standing only, however, membership is not required to attend OCEA conferences.

A member of OCEA must obtain 120 training credits either from attending OCEA conferences or by providing proof of attendance for other related training courses to the Training Officer for review. Training credits will be given based on relevance and length of training.

# OCEA CURRICULUM

## *Unit Goals*

### **Alternatives to Code Enforcement**

Identify when and how to use alternative methods of code enforcement by utilizing community resources and programs. Learn how to develop and implement community projects and educational programs to ultimately accomplish the goal of compliance.

### **Case Development**

Learn how to investigate and initiate code enforcement complaints while documenting the investigation with statements, photos and written letters or reports. You will learn the effective ways of managing a case utilizing a variety of programs, resources and techniques.

### **Civil Rights and Liability**

To develop necessary knowledge and help understand federal law regarding civil rights violations and especially how this applies to Code Enforcement. Develop an understanding of what actions or lack of actions can lead to civil litigation against a Code Enforcement Officer.

### **Code Enforcement Professionalism**

Develop and examine ethical dilemmas and guidelines, definitions, common rationalizations and establishment of a professional environment. Understand the history, necessity and standards of ethical conduct by code enforcement professionals.

### **Courtroom Demeanor and Testimony**

Understand the role of the code enforcement professional in court and the importance of preparation. Develop confidence and the professional demeanor necessary to testify during a court proceeding. Teach you defense tactics in the courtroom and how to deliver understandable information about your case.

### **Cultural Dynamics in Code Enforcement**

Develop an awareness of cultural/interpersonal issues, which dictate the predominant values, attitudes, beliefs and outlooks among multi-cultural environments.

### **Drug and Drug House Identification**

Expand a broad understanding of the history of drug abuse in America. Add to your knowledge on indentifying dangerous drugs and the potential negative effects the drugs have with a person's ability to cooperate with authority. Increase the necessary skills to identify a drug house and the potentially dangerous situations involving them.

### **Evidentiary Issues**

Develop standards and procedures of evidence collection in order to complete an investigation and prepare the case for court. The class will teach you the proper procedure including relevance, rights of alleged violators in court, due process, privileges, Fourth and Fifth Amendment issues, hearsay and the use of public records.

### **Illegal Dumping Investigation**

Learn about the investigation aspect of illegal dumping and develop the ability to identify when and how to utilize other agencies to assist. To teach you how safely respond and identify hazards and potential life threatening circumstances in the surrounding area.

### **Landlord Tenant Training**

Learn more about the Oregon Landlord and Tenants Laws along with each party's rights, responsibilities and implications. Assist you in resolving landlord/tenant issues by way of mediation, local resources, referrals and voluntary compliance.

### **Legal Aspects of Code Enforcement**

Develop an understanding of the laws affecting code enforcement including the United States Constitution and Oregon State Statues, right of entry, issuance of warrants and the court system.

### **Media and Public Relations**

Assist you in what not to say when dealing with the media and the public. This class will teach you how to be ready to give effective interviews by developing a media strategy that will present code enforcement to the public in a positive manner.

### **Mock Trial**

**Hearings** – Develop an understanding of the procedures that should be followed in preparing and presenting effective cases to the Hearings Board. Practice several mock cases with an actual Hearings Officer and attendees who will critique and evaluate your performance.

**Court Trial** – Develop an understanding of procedures that should be followed during a court appearance along with the differences in court authority. Practice several mock trials with an actual Oregon Court Judge and attendees will critique and evaluate your performance.

### **Officer Awareness and Survival**

Increase your awareness of potentially dangerous, possible injury and/or life threatening situations while inspecting properties. Develop skills and an understanding of how to safely and effectively handle these "HIGH RISK" situations.

### **Organization of the Code Enforcement Unit**

Help determine the proper mission of the code enforcement and teach strategies to achieve team goals. This class will help the code enforcement professional revamp a current code enforcement program for maximum success and how to implement the new program that will ensure the highest community quality of life while achieving maximum productivity.

### **Principals and Practices of Code Enforcement**

Examine the fundamentals of code enforcement and its impact on communities. Learn the steps of code enforcement including; receiving a complaint, documenting, inspection procedures, enforcement actions, issuing citations and presenting cases. Learn how to apply basic skills including enforcement techniques, inspection procedures, field communications and call handling as well as the legal requirements to complete duties from the initial complaint to the final hearing process.

### **Property Ownership and Research**

How and locate the owners and/or responsible parties of a property. Teach you how to utilize various types of research, resources, agencies, companies and methods to obtain the correct information.

### **Public Speaking and Presentation**

Learn deliver presentations professionally in front of a group of people using proven techniques to enhance professional style and make points relevant to the audience or topic.

### **Report Writing**

Increase your understanding of the fundamentals of code enforcement report writing and to develop the knowledge and skills necessary to write an accurate report. Help understand the requirements regarding mandatory reporting and documenting the incidents or observations.

### **Special Situations in Code Enforcement**

Examine and develop specific areas of code enforcement including; Civil Compromise, Stipulated Judgments, Chronic Nuisance Properties, Abatement, Recovery of Costs, and Judicial Foreclosures.

### **State Agencies Awareness**

**Oregon Humane Society** –Give you the ability to help identify animal neglect or abuse issues while responding to investigate a complaint. This class will give you the procedure for reporting animal issues and who to contact in your community.

**Services for Children and Families** – Give ability to help identify child neglect and abuse issues while responding to investigate a complaint. This class will inform you of the mandatory reporting requirements and who to contact in your community.

### **Stress Management**

Identify and acquaint you with the stressors facing code enforcement and what measures are available to intervene and assist you in dealing with emotional stress. Explain the unique stresses of the enforcement profession and how these stresses carry over to influence co-workers, marriage and family relationships.

### **Success in Service**

Understand the methodology and personal commitment to the acronym SUCCESS. Understanding customer service and how it benefits the employee, the company and the organization.

### **Tactical Communications (Verbal Judo)**

Develop the interpersonal communication skills necessary to communicate effectively with emotional, angry, and/or hostile citizens and to develop the communication techniques necessary to defuse or de-escalate crisis situations.

### **Time Management**

Teach you how to manage your time effectively by using basic time management principals while recognizing timeline requirements and goals. Develop tools, programs, and techniques to effectively manage your workday.

## **Certification Levels**

### ***Confirmation Requirements***

**Certification confirmation comes in four levels.**  
*Level 4 is the highest achievement which certifies a member as a Professional in the field of Code Enforcement.*

#### **Level 1 – Fundamentals of Code Enforcement**

40 OCEA training credits or equivalent required

#### **Level 2 – Intermediate Code Enforcement**

80 OCEA training credits or equivalent required

#### **Level 3 – Advanced Code Enforcement**

120 OCEA training credits or equivalent required

#### **Level 4 – Certified Code Enforcement Professional**

120 OCEA training credits or equivalent required, plus completion of one of the following items:

##### **Legal Issue Paper**

A successful Legal Issue Paper fills one of the requirements for the designation of Code Enforcement Professional (CEP). Before the member prepares the paper, the topic must be submitted for approval and approved by the Training Officer and/or members of the training committee of the Oregon Code Enforcement Association. The submittal must include a descriptive paragraph on the proposed topic and is to be sent to the OCEA Training Officer. Upon approval of the topic the Training Officer will respond to the submittal with a letter of approval or denial.

##### **These are some suggested topics for your consideration**

- Study and result of a Code Enforcement case which brought about an interesting debate or turnout.
- Difference between Criminal and Civil proceedings.
- Any Constitutional issue related to code enforcement.
- The role that Judicial powers and how they differ from hearings.
- The impact of new ordinances on code enforcement.
- The impact of new state legislation on code enforcement.

-or-

##### **Presentation**

A successful presentation on code enforcement issues fills one of the requirements for the designation of Code Enforcement Professional (CEP). Before the member prepares the presentation; the topic must be submitted for approval and approved by the Training Officer and/or training committee of the Oregon Code Enforcement

Association. Upon approval of the topic the Training Officer will respond to the submittal with a letter of approval or denial. The member must submit the date and time of the presentation so the Training Officer or a member of the Board can attend. If attendance is not possible due to location or scheduling conflicts the presentation may be videotaped. This option must be approved by the Training Officer.

### **Continuing Education**

Once a member achieves the Certified Code Enforcement Professional certification they must receive a minimum of 20 training credits a year to maintain their certification. A yearly certificate will be issued at the summer conference if the required training credits are maintained.

**FOR MORE INFORMATION ABOUT MEMBERSHIPS, AN ONLINE MEMBER PROFILE, BYLAWS, CERTIFICATION STATUS OR QUESTIONS FOR THE OCEA VISIT...**



**ORDINANCE NO. 207**

**AN ORDINANCE PROVIDING FOR ENFORCEMENT OF CITY ORDINANCES AND DECLARING AN EMERGENCY. THIS ORDINANCE REPEALS ORDINANCE 122 AND ORDINANCE 136 IN ITS ENTIRETY.**

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

**Section 1: *Short Title.*** This ordinance shall be known and may be cited as the Detroit Enforcement Ordinance.

**Section 2: *Purpose.*** The purpose of this ordinance is to provide for the welfare, safety and health of the citizens of Detroit by establishing a procedure wherein the ordinances of Detroit can be enforced. The city council specifically finds that existing city ordinances and procedures are not adequate. It is immediately necessary to enact this ordinance enforcement procedure in lieu of others, in order to ensure timely enforcement of city ordinances and maintain public confidence and certainty in said ordinances.

**Section 3: *Definitions.*** For the purposes of this ordinance, the following definitions shall be used:

- A. "CITY ORDINANCE" means all ordinances duly enacted by the City of Detroit, including but not limited to zoning and nuisance abatement.
- B. "INFRACTION COMPLAINT" means that document(s) which, when properly served upon the alleged ordinance violator, brings the matter before the appropriate court for resolution. The elements of an infraction complaint are set forth in Section 8 of this ordinance.
- C. A "PERSON" includes:
  - 1. The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof. For the purposes of this ordinance, "person" also includes those residing in or conducting business or activities in the City of Detroit; and
  - 2. The owner, titleholder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the violation of a city ordinance, as is the possessor of the land, user of the land, or the person who is taking the action, conduct or omission which constitutes a violation of any city ordinance.
- D. "ENFORCEMENT OFFICER" means that person(s) who is appointed to serve infraction complaints pursuant to Sections 4 and 5 of this ordinance.

- E. "Violator" means any person who has admitted violation of city ordinance, or a person who has been adjudicated to have violated a city ordinance.

**Section 4: *Enforcement Officer.*** An ordinance officer assigned by the Detroit City Council shall act as enforcement officer, for the purposes of issuing infraction complaints, abstract of record, and summons.

**Section 5: *Service of Infraction Complaint.***

- A. Service of the infraction complaint shall be by the enforcement officer upon the person(s) whose conduct, action(s), or omissions(s) constitute the ordinance violation(s).
- B. If the alleged ordinance violator is not the owner, title holder, contract buyer or contract seller of the property and is the person whose action, conduct or omission is creating or causing (by act or omission) the ordinance violation, then the owner, title holder, contract buyer and contract seller may also be served personally with an infraction complaint.
- C. If personal service cannot readily be made, substitute service can be made as provided in Oregon Rules of Civil Procedure 7 (D).

**Section 6: *Designation of a Prosecutor for the City of Detroit.*** The City of Detroit City Council hereby elects to have the prosecution of infraction complaints and/or any other remedy provided by law to be conducted by the city attorney.

**Section 7: *Service of Summons, Complaint, and Abstract of Record.***

- A. An infraction complaint issued pursuant to this ordinance shall comply with the requirements of Sections 10, 11, and 12, respectively.
- B. The ordinance officer issuing an infraction complaint shall cause:
  - 1. The summons to be delivered to the person;
  - 2. A copy of the complaint, abstract of record and summons to be delivered to the Detroit City Office within seven business days after service of the summon.

**Section 8: *Infraction Complaint; Occurrence; and Other Remedies.***

- A.
  - 1. Except as otherwise specifically provided in this ordinance, an infraction complaint shall be used for violation of any city ordinance.
  - 2. Infraction complaints may be filed against the same person for repeated violations of the same ordinance, or for a continuing violation of the same ordinance.
  - 3. Each 24-hour period constitutes a separate occurrence.

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

1. Notify the property owner that a violation exists, and that action to rectify 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 ten (10) percent administrative overhead. Unpaid fees become a lien against the property within sixty (60) days from the date of the notice to the owner of assessment of costs.

2. Institute a complaint in the Circuit Court for any other remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings, to prevent, temporarily or permanently enjoin, or abate the violation.

C. In addition to any other remedy provided by law to the city, the city may seek a fine of up to \$250 for each separate violation pursuant to this ordinance.

**Section 9: *Private Right of Action.***

A. Any person, whether acting as principal, agent, or employee whose interest is or may be affected by any violation of a city ordinance, may, in addition to the other remedies provided by law, file an ordinance complaint.

1. The private citizen shall prepare and file an ordinance complaint with the city recorder.
2. The citizen's signature on the ordinance complaint form will be considered confidential; and the city recorder will not disclose this information, as provided in ORS 192.502(4).

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 (30) days of the filing of the ordinance complaint, the city 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 10: *Infraction Complaint.***

A. The infraction complaint shall consist of four parts. The required parts are:

1. The complaint
2. The abstract of record
3. The enforcement officer record
4. The summons

Each of the parts shall contain the information required by this ordinance.

B. The complaint shall contain a form or certificate in which the enforcement officer shall certify that he/she has reasonable grounds to believe, and does believe, the person served with the infraction complaint violated a city ordinance, contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.

C. Minimum requirements for infraction complaint: The infraction complaint is sufficient if it contains the following:

1. The name of the court; the name of the City of Detroit, in whose name the action is brought, and in whose city limits the land subject to the infraction complaint lies; and the name of the violator(s).
2. A statement or designation of the alleged violation of city ordinance in such a manner as can be readily understood by a person making a reasonable effort to do so; and the date, time, and place at which the violation of city ordinance is alleged to have occurred.
3. A certificate signed by the enforcement officer issuing the infraction complaint.

D. Motion to set aside: The complaint shall be set aside by the court upon motion of the violator, before a plea, when the complaint does not conform to the requirements of this section. A pretrial ruling on a motion to set aside may be appealed by the city. The court may allow the City of Detroit to amend the complaint, or to file an amended complaint.

**Section 11: *Summons.*** A summons in an infraction complaint is sufficient if it contains the following:

- A. The name of the court, the name of the person cited, the date on which the infraction complaint was issued, the name of the complainant, and the date, time, and place at which the person cited is to appear in court.
- B. A statement or designation of the violation of city ordinance in such a manner as can be readily understood by the person making a reasonable effort to do so, and the date, time, and place at which the ordinance violation is alleged to have occurred.
- C. A notice to the person cited that an infraction complaint will be filed with the court, based upon the alleged violation of city ordinance.
- D. The amount of forfeiture for a violation of the ordinance shall be \$250.00 for a first offense and \$250.00 for all subsequent offenses of the same ordinance section.
- E. A written notice on the face of the summons that the city may seek any and all other legal remedies, including, but not limited to, injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the ordinance violation.

**Section 12: *Violator's Appearance, Payment of Fine, Request for Hearing, Statement, and Admission of Violation.***

- 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 with 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, 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 an executed appearance and waiver of hearing to the court, together with cash, check or money order in the amount of ten (10) percent of the fine set forth in the summons, or granted, in writing, a continuance of the time to appear in court, the court shall enter a judgment against the violator in an amount equal to the forfeiture for the violation, together with court costs and any special costs.

**Section 13: *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 judgment 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 14: *Hearing Date, Notice to Violator and Waiver.***

- A. If the violator requests a hearing, the court shall fix a date and time for the hearing; and advise the violator of the date.
- B. If the violator fails to appear at the time set for the hearing without having been granted a continuance in writing, the court shall enter a judgment against the violator in the amount of the forfeiture set forth on the summons together with court costs and any special costs.
- C. No warrant of arrest can be issued for any violation of a city ordinance. Nothing in this section shall prohibit the court from issuing a warrant of arrest for any contempt of court which occurs.

**Section 15: *Hearing, Trial, Commencement, Burden of Proof, Pretrial Discovery, and Violator as Witness.***

- A. The hearing of any infraction complaint shall be by the court without a jury.
- B. The hearing of any infraction complaint shall not commence until the expiration of seven (7) days from the date of the infraction complaint.
- C. The city shall have the burden of proving the violation of the ordinance by a preponderance of the evidence.
- D. The pretrial discovery rules set forth in the Oregon Rules of Civil Procedure shall apply to infraction complaints. The city may call the violator as a witness at the hearing.
- E. Proof of negligence, malfeasance, misfeasance, nonfeasance, willful conduct, knowing conduct, intentional conduct, or any other culpable mental state is not an element of any ordinance violation.
- F. At any hearing involving any infraction complaint, an attorney shall not be provided at public expense. At any hearing involving an infraction complaint, the city's attorney may appear, but is not required to appear.

**Section 16: *Prosecution of Infraction Complaint.*** Notwithstanding any provision of Oregon law, or any other provision of this ordinance, the prosecution of one

infraction complaint shall not bar the subsequent prosecution of any additional city ordinance violation occurring or committed at the same time, or as part of the same act or transaction, or as part of the same occurrence as other ordinance violation(s). Evidence of prior ordinance violation(s) shall be admissible in any subsequent prosecution of any ordinance violation.

**Section 17: *Civil Judgment.*** A judgment upon any infraction complaint is a civil judgment, as is any other civil judgment of law. The judgment involves only a fine, and does not incur loss by forfeiture, suspension, or revocation of any license, or any other privilege or other civil penalty. A person against whom a judgment is issued does not suffer any disability or legal disadvantage, based upon said judgment, other than the enforcement by the City of Detroit of the judgment.

**Section 18: *Penalties.***

- 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 \$250.00. Each day and/or occurrence 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, or assign a community service project.

**Section 19: *Docket of City Liens.***

- A. Lien – The municipal court judge shall enter the judgment as a lien in the docket of city liens if the defendant has an ownership interest in real property within the city.
- B. Foreclosure – At any time after such lien has been so docketed, a suit to foreclose it may be brought in the Circuit Court of the State of Oregon for Marion County, in the name of the city. Said liens may be foreclosed in the same manner as any other city liens.

**Section 20: *Appeal from Judgment.*** Either party may take an appeal from a judgment as follows:

- A. From a proceeding in the municipal courts, as provided in ORS Chapter 53;
- B. From a proceeding in Circuit Court, as provided in ORS 19.005 to 19.026 and 19.029 to 19.200.

**Section 21: *Court Costs.***

- 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 ordinance.
- B. Court costs shall be actual court costs, including, but not limited to, cost of the city attorney, additional filing fees, and administrative fees. 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 22: *Consent Decree.***

- A. The city and the violator may enter into a consent decree. The consent decree shall provide that the violator does not admit a violation of city ordinance, but will make necessary corrections, as set forth in the agreement, to bring the violator's actions, conduct, omissions, or property into conformance with appropriate city ordinances.
- B. The violator, the violator's attorney, if any, and the city shall sign all consent decrees.
- C. The consent decree shall be filed with the court as a final adjudication of the proceedings, and shall constitute a dismissal of the action when violator performs as agreed. The violator or the city may seek a court order dismissing the case upon completion of the conditions of the consent decree,
- D. The violator's failure to comply with the consent decree allows the city to seek any additional remedies provided by law or this ordinance.

**Section 23: *Fines.*** All fines collected shall be distributed to the Judicial Fund.

**Section 24: *Special Costs.***

- A. The city shall be entitled to recover all special costs and disbursements that are reasonable and necessary expenses incurred in the successful prosecution of an infraction complaint in addition to legal services, including the costs/expenses/salaries of officers, employees and witnesses, the necessary expenses of taking depositions, the expense of publication of summons or notices, postage, compensation

of expert witnesses, and the expense of copying any public record, book or document used as evidence in the hearing.

- B. The special costs shall be allowed to the city in the same manner as a judgment for fines.

**Section 25: Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted.

**Section 26: Emergency Clause.** 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.

First read for the record in full on November 14, 2006.

Second reading by title only on November 14, 2006.

**Passed by the Detroit City Council and signed by the Mayor this 14<sup>th</sup> day of November 2006.**

\_\_\_\_\_  
**Patrick J. Carty, Mayor**

**Attest:**

**Approved as to form:**

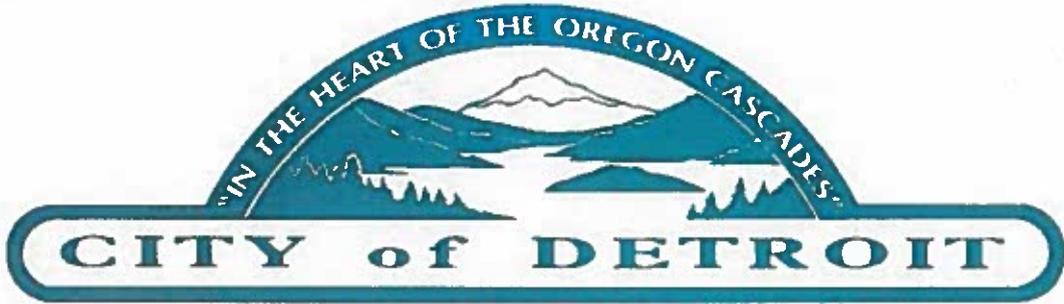
\_\_\_\_\_  
**Christine Pavoni, City Recorder**

\_\_\_\_\_  
**Wallace W. Lien, City Attorney**

Ayes:

Nays:

Absent:



P.O. Box 589 Detroit, Oregon 97342 • (503)854-3496

**ORDINANCE COMPLAINT**

Pursuant to Detroit Municipal Code 1.10.230, Private Right of Action, Section (1) (b) the citizen's signature on the ordinance complaint form will be considered confidential; and the city recorder will not disclose this information, as provided in ORS 192.502(4).

DATE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

OCCUPANT: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

DESCRIPTION OF VIOLATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE



**DATE:**

**LOCATION OF VIOLATION:**

**PROPERTY OWNER (IF KNOWN:**

**OWNERS ADDRESS (IF KNOWN):**

**DESCRIPTION OF VIOLATION:**

\_\_\_\_\_  
**SIGNATURE OF OFFICIAL TAKING REPORT**

**ORDINANCE VIOLATED:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1<sup>st</sup> COUNCILOR INSPECTING VIOLATION:** \_\_\_\_\_

**Date of inspection:** \_\_\_\_\_

**Findings on Violations:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**2nd COUNCILOR INSPECTING VIOLATION:** \_\_\_\_\_

**Date of inspection:** \_\_\_\_\_

**Findings on Violations:** \_\_\_\_\_

\_\_\_\_\_