

# ORDINANCE NO. 08-261

**AN ORDINANCE relating to code enforcement, creating an office, and stating an effective date.**

## THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

### Section 1. Definitions.

A. The term "municipal code" as it is used in this chapter means the Lakeside Municipal Code.

B. The term "peace officer" as it is used in this chapter has the same meaning as in Oregon Revised Statutes Section 133.005(3) which is hereby incorporated by reference.

### Section 2. Position created--Appointment.

The position of code enforcement officer are created for the city under the supervision of and appointed by the City Council. The Council shall appoint a Code Enforcement Officer from among its members at the first meeting of each calendar year, and shall remove the Officer in the event that the Officer neglects the duties thereof, or when the performance of said duties warrants the Council's action of removal.

### Section 3. Enforcement powers and duties--Exclusions.

Code enforcement Officers are hereby authorized to enforce all parts of the municipal code not specifically excluded by this ordinance. All powers granted under city ordinance and state law to the "city marshal" or "chief of Police" shall be exercised by the Code Enforcement Officer, unless as specified or limited herein.

### Section 4. Scope of Officer and peace officer duties.

The Code Enforcement Officer is hereby authorized to enforce those ordinance, whose enforcement is not empowered in other city officers such as the City Engineer, Public Works Director, or City Attorney.

### Section 5. Limit on Authority.

The Code Enforcement Officer shall have no power of arrest and shall not act as a general law officer. The Code Enforcement Officer shall be authorized to investigate violations of city ordinances and may issue citations therefore, but shall not have power to stop any motor vehicle, nor effect an arrest in connection with any ordinance violation.

Section 6. Identification.

The Code Enforcement Officer shall carry at all times on duty an identification card issued by the City identifying the person as the City of Lakeside Code Enforcement Officer. The Code Enforcement Officer shall not wear any uniform indicating any law enforcement association, but shall wear civilian clothes during the performance of any such actions.

Section 7. Enforcement log.

The Code Enforcement Officer shall keep a log of the activities undertaken during the performance of said duties. The initial entry shall consist of the source of the complaint/issue (city hall, Council, citizen referral); the date of the referral, the location of the alleged violation, the nature of the violation - including the ordinance alleged to be violated. The log shall reflect the enforcement activities taken by the Officer and the progress made during the correction/investigation period. The entries made each month shall be turned into the City Hall by the end of the month, and reported to the City Council at their next regular meeting. The City Recorder shall maintain the permanent log for all Code Enforcement Activities.

Section 8. Further enforcement activities.

If the activities of the Code Enforcement Officer does not result in compliance with the pertinent city ordinance, The Officer may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and other information the City may have.

Section 9. Notice of Violation

After receiving a report of an alleged violation, the City Attorney shall, if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first class mail, return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

Location and nature of the violation; and

Provision or provisions of the City ordinance which allegedly have been violated; and

Whether immediate enforcement will be sought or if 15 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property; and

The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after mailing if the address to which it was mailed

is outside the State. However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of the underlying ordinance.

**Section 10. City Attorney to Pursue Enforcement**

As soon as the compliance deadline has expired the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed; or

A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the violation.

**Section 11. Effective date.**

The Ordinance shall become effective \_\_\_\_\_, 2008.

FIRST READ to the Council the 10<sup>th</sup> day of April, 2008.

PASSED by the Council this 8<sup>th</sup> day of May, 2008.

SIGNED by the Mayor this 8<sup>th</sup> day of May, 2008.

Effective this ~~21<sup>st</sup>~~ 21<sup>st</sup> day of May, 2008.

Orville Nelson  
Mayor

ATTEST:

Charita Hill  
City Recorder