
CODIFIED ORDINANCES OF JACKSON COUNTY

TITLE TWO - General Provisions

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**CHAPTER 202
Codified Ordinances**

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CROSS REFERENCES

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202.01 DESIGNATION; CITATION; HEADINGS.

(a) This document consists of all ordinances, resolutions and orders of a general and permanent nature of the County, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections. As such, they shall be known and designated as the Codified Ordinances of Jackson County, 1985, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Jackson County, 1985, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of the Board of County Commissioners to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each component code shall be subdivided into titles and/or chapters, each title shall be subdivided into chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying component code 2, and the two figures "02" before the decimal signifying the chapter within the component code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the component code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

202.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of the Codified Ordinances does not revive the provision originally repealed nor impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of the Codified Ordinances does not, except as provided in subsection (c) hereof:

- (1) Affect the prior operation of the provision or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any violation is reduced by a re-enactment or amendment of a provision of the Codified Ordinances, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

(E.Ord. 2003-29. Passed 10-15-03; Ord. 2003-28. Passed 10-29-03.)

202.04 DEFINITIONS AND INTERPRETATIONS.

In the construction of the Codified Ordinances, the following rules and definitions shall control, excepting those inconsistent with the manifest intent of the Board of County Commissioners as disclosed in a particular provision, section or chapter:

(a) Adopting Ordinance. - Means the ordinance of the County adopting these Codified Ordinances, in conformity with Section 14 of the County Charter.

(b) Authority. - Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

(c) Board. - Means the Board of County Commissioners of the County, being the legislative authority of the County.

(d) Calendar; Computation of Time. - The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or legal holiday, in which case it shall be excluded and the time shall expire on the next week day. If time is expressed in hours, the whole of Sunday shall be excluded.

(e) Conjunctions. - Means "And" includes "or" and "or" includes "and," if the sense so requires.

(f) County. - "County" means Jackson County, Oregon.

(g) Gender. - Words importing the masculine shall extend and be applied to the feminine and neuter genders, and words importing the feminine shall include the masculine and neuter.

- (h) General Rule. - Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (i) Joint Authority. - Words giving authority to a board, commission or authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (j) Keeper and Proprietor. - Means "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (k) Land and Real Estate. - Means "Land" and "real estate" include rights and easements of an incorporeal nature.
- (l) Number. - Words in the plural include the singular and words in the singular include the plural number, if the sense so requires.
- (m) Oath. - Includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.
- (n) Occupancy. - "Occupancy" or "Occupy" means to use or intend to use a premises or structure, or parts thereof, for any purpose normally or reasonably associated with such premises or structure. The definition of "Occupancy" or "Occupy" is not limited to human or animal inhabitation and can include the improvement, development or the placement of a structure or building on a premises.
- (o) Owner. - "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (p) Person. - "Person" means an individual, association, club, corporation, firm, partnership, body politic or any other legal entity.
- (q) Premises. - "Premises," when used as applicable to property, extends to and includes land and buildings.
- (r) Property. - "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.
- (s) Reasonable Time. - In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.

- (t) Shall and May. - "Shall" is mandatory; "may" is permissive.
- (u) Sidewalk. - "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (v) State. - "State" means the State of Oregon.
- (w) Street. "Street" means alleys, avenues, boulevards, lanes, roads, streets, State highways and other public ways in the County.
- (x) Tenant and Occupant. - "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.
- (y) Tenses. - The use of any verb in the present tense includes the future.
- (z) Week. - "Week" means seven consecutive days.
- (aa) Whoever. - "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
- (bb) Written. - "Written" or "in writing" includes any representation of words, letters, symbols or figures; this provision does not affect any law relating to signatures.

(Ord. 98-28. Passed 12-30-98.)

202.05 SEPARABILITY OF PROVISIONS.

Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such section or part of a section so held to be invalid.

**202.06 COPY OF CODIFIED ORDINANCES ON FILE;
SUPPLEMENTATION.**

At least one certified copy of the Codified Ordinances shall be kept on file in the County Administration Building. It shall be the duty of County Counsel to insert in its designated place any ordinance that indicates the intention of the Board of County Commissioners to make the same a part of the Codified Ordinances when the same has been printed or reprinted in page form, and to extract from the Codified Ordinances all provisions which may be from time to time repealed by the Board or to make any appropriate notation in the certified copy of the Codified Ordinances that such provisions have been repealed. Such certified copy of the Codified Ordinances shall be made available to all persons desiring to examine the same and shall be considered the official copy of the Codified Ordinances of Jackson County, Oregon, 1985. County Counsel shall be the official custodian of the Codified Ordinances of the County.

202.07 UNAUTHORIZED INSERTIONS OR DELETIONS PROHIBITED.

(a) Except as otherwise provided in subsection (b), no person shall change or amend, by additions or deletions, any part or portion of the certified copy of the Codified Ordinances, or insert or delete pages or portions thereof, or alter or tamper with such Codified Ordinances in any manner whatsoever, in such manner as to cause the law of the County to be misrepresented. Whoever violates this section shall, in addition to the penalty provided in Section 202.99, be liable to the County, its officials or employees, in law, equity or otherwise, for any damage or loss sustained by it, them or any of them, because of an improper action or decision made by reason of such misrepresentation, change, addition, alteration or deletion.

(b) In preparing future supplements, changes, and additions to the Codified Ordinances or integrating amendments into the Codified Ordinances pursuant to Section 202.06, County Counsel may renumber sections and parts of sections of the ordinance, rearrange sections or parts thereof, change reference numbers to agree with renumbered sections or other parts, substitute the proper subsection, section, or other internal reference, strike out figures or words which are merely repetitious, change capitalization for the purposes of uniformity, and correct manifest clerical, grammatical, or typographical errors. However, County Counsel in making any changes authorized pursuant to this subsection may not alter the sense, meaning, effect, or substance of any ordinance or chapter of the Codified Ordinances.

(P.Ord 2018-7. Passed 12.09.18)

202.99 GENERAL CODE PENALTY; COMPLICITY; EQUITABLE REMEDIES.

(a) Violation - Of any provision of these Codified Ordinances is deemed a County violation. A County violation is any offense designated as a violation in these Codified Ordinances. "Offense" and "violation" have the same meaning for purposes of these Codified Ordinances. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in these Codified Ordinances to be a violation, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of these Codified Ordinances shall likewise be guilty of such violation. Payment of a fine imposed under these Codified Ordinances does not relieve the violator of responsibility to remedy the violation.

(b) First Violation – Except as otherwise provided, whoever violates or fails to comply with any of the provisions of these Codified Ordinances, including any provision of any standard, technical or other code adopted by reference in these Codified Ordinances, and including any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances including orders issued under these Codified Ordinances, or under authority of State law, for which no penalty is otherwise provided in this Code, shall be fined not more than one thousand dollars (\$1,000) for each violation. Notwithstanding any other provision of law, a court or hearings officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than (\$250).

(c) Continuing Violation – Whoever fails to correct or remedy a first violation as set forth in subsection (b) of this Section following an adjudication of guilt on the first violation commits a continuing violation. Whoever is cited with a continuing violation shall be fined not more than two hundred and fifty dollars (\$250) per day for a continuing violation, not to exceed ten thousand dollars (\$10,000) for a first continuing violation. Unless otherwise provided, a separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, beginning with the day following an adjudication of guilt on a first violation. Notwithstanding any other provision of law, a court or hearings officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a continuing violation to an amount that is less than \$50 per day or \$1,000, whichever amount is less. A code enforcement officer's recommendation may constitute good cause to reduce a fine.

(d) Successive Continuing Violations – Whoever fails to correct or remedy a continuing violation as set forth in subsection (c) of this Section, or a successive continuing violation as set forth in this subsection, following an adjudication of guilt on a first or successive continuing violation commits a successive continuing violation. Whoever is cited for any successive continuing violation shall not be fined more than two hundred and fifty (\$250) per day for the successive continuing violation, not to exceed twenty thousand dollars (\$20,000) for each successive continuing violation for the same offense. Unless otherwise provided, a separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, beginning with the day following an adjudication of guilt on a previous continuing violation. Under this subsection, if raised by affirmative defense, the combined total value of successive continuing violation fines for the same violation may not exceed the assessed value of the property as shown on the County’s tax records. The combined total value of multiple successive continuing violation fines for separate violations may exceed the value of the property as shown on the County’s tax records. Notwithstanding any other provision of law, a court or hearings officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a successive continuing violation to an amount that is less than \$100 per day or \$2,000 whichever amount is less.

(e) Corporate Violations – A sentence to pay a fine for a violation committed by a corporation shall be in an amount not to exceed twice the fine established under any other subsection of this Section.

(f) Profiting from a Violation - If a person or corporation has gained money or property through the commission of a violation, instead of sentencing the defendant to pay the fine provided for in subsections (b), (c), or (d) of this Section, the court or hearings officer may, upon the recommendation of the County, sentence the defendant to pay an amount fixed by the court or hearings officer, not exceeding double the amount of the defendant’s gain from the commission of the violation. For purposes of this subsection, the defendant’s gain is the amount of money derived from or through commission of the violation, or the value of the property on which the violation was committed at the time of citation. “Value of the property” means the market value of the property on which the violation was committed at the time of citation, or, if the market value cannot reasonably be ascertained, the assessed value of such property as shown on the County’s tax records.

(g) Violations of Section 632.02 – Notwithstanding any other provision of this Section, a violation of Section 632.02 of these Codified Ordinances shall be as set forth below: A first and second violation shall not be punished by fine but shall instead result in the issuance of a warning in accordance with Section 632.03. A third violation within 365 days of the second violation shall be punished with a fine of \$100. A fourth violation within 365 days of the third violation shall be punished with a fine of \$250. A fifth violation within 365 days of the fourth violation shall be punished with a fine of \$750. Any additional violations within 365 days of the previous violation shall be punished with a fine of \$1,000 each. A Court of Hearings Officer may not, without good cause, defer, waive, suspend or otherwise reduce the fine for a violation to an amount that is less than \$100 or less than one half of the fines set forth above, whichever amount is greater.

(h) If a hearing is held before the Court, any fine imposed by the Court under subsections (a)-(g) of this Section will be adjusted for costs and assessments imposed pursuant to ORS Chapter 137. In accordance with ORS 203.065(4), fines and costs shall be paid to the clerk of the Circuit Court. The clerk shall deduct the Court costs in the proceedings and pay the remainder to the Treasurer of the County.

(i) If a hearing is held before a Hearings Officer, any fine imposed by the Hearings Officer under subsections (a)-(g) of this Section will be adjusted for costs or assessments as may otherwise be provided under these Codified Ordinances, County ordinance or order. Fines recovered shall be paid to the clerk designated by the department that enforced the ordinance violated.

(j) The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in these Codified Ordinances, or in any standard, technical or other code adopted by reference in these Codified Ordinances, or in any rule or regulation promulgated under authority of any such standard, technical or other code adopted by reference in these Codified Ordinances, or under authority of any other provision of these Codified Ordinances, or under authority of State law.

(k) In addition to the penalty provided in this Section, any condition caused or permitted to exist in violation of or not in compliance with any of the provisions of these Codified Ordinances, or of a technical or other code adopted by reference in these Codified Ordinances, or of a rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law including Oregon's receivership statutes, shall be deemed to be a public nuisance and may be abated as such by the County as provided by law and the costs of such abatement may be charged to the defendant(s) and may become a lien against the property.

(1) The County Counsel or a person whose interest is or may be affected by such a violation or noncompliance may, in addition to other remedies provided by law, institute injunction, mandamus or other appropriate proceedings to prevent or temporarily or permanently enjoin or abate the violation or noncompliance.

(Adopting Ordinance. Passed 12-10-85; E.Ord. 2000-23. Passed 5-17-00; Ord. 2000-24. Passed 5-31-00; E.Ord 2003-27. Passed 10-15-03; Ord. 2003-26. Passed 10-29-03; Ord. 2003-28. Passed 10-29-03; E.Ord. 2003-29. Passed 10-15-03; Ord. 2017-17. Passed 11-08-17.)