
CHAPTER 203
Code Enforcement

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- 203.99 Repealed.

CROSS REFERENCES

Violations - see ORS Ch. 153

County Courts and Commissioners - see ORS 5.010 et seq., 203.111 et seq.

Penalties; remedies; enforcement; disposition of fines; status of nuisance declared by ordinance - see ORS 203.065

Enforcement of ordinances of County concern - see ORS 203.065

General Code penalty - see ADM. 202.99

Prosecution of County law violations - see ADM. 219.01

Citations for parking violations - see TRAF. 440.03

Citations for violations of Building Code - see B. & H. 1420.03, 1420.99(b)

Citations for violations of Sanitation Code - see H. & S. 1860.99(b)

**203.01 PROSECUTION; CODE ENFORCEMENT OFFICERS;
WEIGHMASTERS; ANIMAL CONTROL OFFICERS.**

(a) Prosecution. - The Board of County Commissioners hereby authorizes the County Counsel, any Assistant County Counsel, the District Attorney and any Deputy District Attorney to act as special prosecutor to prosecute violations of these Codified Ordinances and other County ordinances, except where provided in Section 203.04(c) or where otherwise specifically provided by any other County ordinance.

(b) Code Enforcement Officers. - The County Administrator may designate, from time to time, appropriate persons as enforcement officers to enforce these Codified Ordinances and other County ordinances, within the purview of this chapter. Such officers shall, when so designated, have the authority and the duty to take such actions as may be lawful and reasonably necessary for the enforcement of these Codified Ordinances and other County ordinances, including investigation, the issuance of citations and the service of notices, subpoenas, court orders and orders of the hearings officer in the course of prosecution. The County Administrator shall issue, in the name of the County, adequate identification for this function, and the code enforcement officers shall carry the same and display it upon request or as appropriate in the performance of their duties. The duties of the officers include, but are not limited to, entry upon private property to the fullest extent limited by the Fourth Amendment to the United States Constitution for the purpose of investigation, abatement of public nuisances, issuance of citations charging violations hereunder and delivery of notices and orders authorized by this chapter. The officer, after displaying his or her identification as such, may detain persons to the extent necessary to secure their identification and to issue a citation for violations for which the officer has reasonable grounds that the conduct constitutes a violation.

(E.Ord. 2003-27. Passed 10-15-03; P.Ord. 2003-26. Passed 10-29-03; E.Ord 2003-29. Passed 10-15-03. P. Ord 2003-28. Passed 10-29-03; Ord. 2003-31. Passed 11-26-03; Ord. 2010-5. Passed 6-9-10.)

(c) County Weighmasters. - The County Administrator shall appoint appropriate persons as County weighmasters.

- (1) County weighmasters shall have the powers and duties authorized by State law to enforce motor vehicle laws relating to weights and measures and to enforce such related regulations as are imposed by County ordinance.
- (2) County weighmasters shall be issued identification in the same manner as provided in subsection (b) hereof. County weighmasters shall carry such identification and display it upon request or as appropriate in the performance of duties.

(Ord. 2010-5. Passed 6-9-10.)

(d) County Animal Control Officers. - The County Administrator may appoint appropriate persons as County animal control officers.

- (1) County animal control officers are code enforcement officers as described in subsection (b) hereof, with all the same powers and duties therein. In addition, County animal control officers shall have any additional powers and duties authorized by State law to enforce laws related to animal control and to enforce such related regulations as are imposed by County ordinance.

- (2) County animal control officers shall be issued identification in the same manner as provided in subsection (b) hereof. County animal control officers shall carry such identification and display it upon request or as appropriate in the performance of duties.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 93-26. Passed 7-28-93; P. Ord. 93-25. Passed 8-11-93; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; Ord. 2010-5. Passed 6-9-10.)

203.02 WARNING NOTICES.

Before issuing a citation, a code enforcement officer may issue a warning notice of an alleged ordinance violation. A warning notice shall give a brief description of the violation that is alleged to exist and shall be served upon the person accused of the offense. The warning notice shall contain the name of the County department to contact regarding the violation, the date the warning was issued and a statement that failure to correct the alleged violation or to contact the appropriate County department may result in the issuance of a formal citation to the County Circuit Court or to the County hearings officer. The lack of issuance of a warning before the issuance of a citation is no defense to a complaint, and the issuance of a warning does not limit the violations which may thereafter be charged on the same facts.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03; E. Ord. 2003-29. Passed 10-15-03. P. Ord. 2003-28. Passed 10-29-03.)

203.03 CITATIONS REQUIRED; FORM AND CONTENT.

- (a) Except as otherwise provided by law, a citation conforming to the requirements of this chapter may be used for all County ordinance violations and for other violations which are also chargeable as crimes or violations of statute.
- (b) In a case to go before the Circuit Court of the State of Oregon, the Oregon Uniform Citation and Complaint shall serve as the citation used by the County. A private person utilizing the Oregon Uniform Citation and Complaint shall comply with any applicable Circuit Court procedures and state law.
- (c) In a case to go before a County Hearings Officer, the citation shall consist of a complaint and summons. The County Administrative Officer, or designee, shall adopt a form for the citation. The citation shall contain the following information or blanks in which such information shall be entered:

- (1) The name of the public body in whose name the action is brought;
- (2) The name of the person cited;
- (3) The name of the enforcement officer or other person issuing the citation;
- (4) The section of the Codified Ordinances or title and section of any other ordinance or State law violated;
- (5) A brief description of the alleged violation in such a manner as can be readily understood by a person making reasonable effort to do so;
- (6) The date, time and place at which the violation(s) occurred;
- (7) The date on which the citation was issued;
- (8) The date, time and place at which the person cited is to appear before a County Hearings Officer;
- (9) The amount of the fine, if any, fixed for the violation.

(d) The citation shall contain a certificate signed by the enforcement officer certifying that the enforcement officer has reasonable grounds to believe, and does believe, that the person named in the citation committed the violation specified in the citation. The certification, if made by a duly authorized enforcement official or peace officer, need not be made before a magistrate or any other person. A certificate conforming to this section shall be deemed equivalent to a sworn statement. A private personal shall so certify before a Notary Public.

(e) In a case to go before a County Hearings Officer, the reverse side of the citation shall include the following information:

- (1) A recitation of options for how a person may respond to the citation, the same or similar to A, B, C below:
 - A. **OPTION 1: ENTER A PLEA OF GUILTY** by written appearance.
 - B. **OPTION 2: ENTER A PLEA OF NOT GUILTY** by written appearance and request a new trial date and/or provide a notice of representation.
 - C. **OPTION 3: PERSONALLY APPEAR** at the Jackson County Auditorium at the appearance date and time state on the citation.

- (2) A warning regarding potential penalties that may be imposed in substantially the following form:

WARNING: The Hearings Officer is empowered to levy penalties that may exceed \$20,000 per violation. See Jackson County Code 202.99. Unpaid penalties will become a lien against your property and subject you to other debt collection remedies allowed by ordinance. Failure to pay is also grounds for issuance of stop work order, withholding issuance of requested permits or license, or revocation or suspension of any issued permits or licenses; and

- (3) A space for a person to plead no contest to the citation and acknowledge their responsibility for correcting it in substantially the following form:

STATEMENT OF UNDERSTANDING:

I, the undersigned, do hereby acknowledge that I understand the following:

- 1) My payment of this CITATION is an admission of the existence of the violation alleged on this CITATION, and an admission of my responsibility for it.
- 2) My payment of this CITATION does not relieve me of my responsibility to correct the violation, and to comply with all applicable laws.
- 3) Additional citations may be issued to me if I fail to correct the violation, or violate other applicable laws.

Signature: _____ Date: _____

(f) Any error in transcribing information into the blanks provided in the citation form, when determined by the Court or hearings officer to be non-prejudicial to the defendant's defense, may be corrected at the time of trial or hearing or prior to the time of trial or hearing, with notice being given to the defendant.

(g) Except as provided in subsection (g) hereof, the Complaint shall be set aside by the Court or hearings officer only upon the motion of the defendant before plea, if it does not conform to the requirements of this section.

(h) The Citation or Complaint shall be on a form provided and printed by the County.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03; Ord. 2014.11. Passed 12-24-14; Ord. 2017-18. Passed 11-08-17.)

203.04 COMMENCEMENT OF ACTION FOR VIOLATIONS.

(a) Weights and Measures. - All actions for violations of State law regarding weights and measures shall be commenced according to the provisions of State law.

(b) Action by County. - A designated and appointed code enforcement officer or a deputy sheriff may issue a citation for a violation of a County ordinance committed at any location within the unincorporated area of the County and for which the officer has reasonable grounds to believe that the conduct constitutes a violation.

(c) Private Right of Action. - A private person may commence an action for an ordinance violation by issuing a citation under the same conditions as provided in subsection (b) hereof. The citation form shall be the same as that described in Section 203.03 and shall be provided by the County. The commencement of an action by a private person for a violation committed in his or her presence shall be at the discretion of and in the judgment of the office of the County Counsel in his or her capacity as a special prosecutor. Certification and service shall occur as required by Sections 203.03 and 203.05, respectively. An action commenced by a private person shall be prosecuted by that person and not by the County.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; Ord. 2003-31. Passed 11-26-03.)

203.05 SERVICE OF CITATIONS.

If a citation is issued pursuant to this chapter, the code enforcement officer, County weighmaster or such other person as may be authorized by ORCP Rule 7E shall serve the summons portion of the citation personally on the person cited. Such a summons may also be served, by a code enforcement officer, in the same manner as prescribed for the service of summonses in Oregon's Rules of Civil Procedure. A hearings officer shall disregard technical deficiencies in notice provided the hearings officer finds that the person cited received actual notice.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03; Ord. 2017-18. Passed 11-08-17.)

203.06 CONTENTS OF SUMMONSES.

- (a) A summons for a violation of State law relative to weights and measures shall be sufficient if it complies with the requirements of State law.
- (b) A summons for an ordinance violation is sufficient if it contains the following:
- (1) That information contained in Section 203.03(c) and (h);
 - (2) A notice to the person cited that a complaint will be filed with the Court or with Jackson County based upon the violation; and
 - (3) A statement of the fine amount, if any, fixed for the violation.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.07 RESPONSIBILITY OF DEFENDANTS.

- (a) If the defendant is charged with a crime, the defendant must appear personally at the date, time and place set by the Summons. If the defendant is charged with a violation, the defendant must appear personally at the date, time and place set by the Summons, or, prior to such time, shall deliver the Summons to the Court or to the hearings officer, whichever is appropriate according to the citation issued, with a check or money order in the amount of the fine set forth on the Summons, and:
- (1) The executed appearance, waiver of trial or hearing, a statement of explanation in mitigation of the violation charge, and plea of guilty or no contest appearing on the Summons; or
 - (2) If the case is in the Circuit Court, the executed appearance, plea of not guilty and request for trial appearing on the Summons.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.08 EFFECT OF STATEMENT AND EXPLANATION IN MITIGATION.

If a defendant has submitted to the Court or to the hearings officer a written statement as provided in Section 203.07(1), it constitutes a waiver of trial or hearing and a consent to judgment by the Court or hearings officer and declares a forfeiture of all or any part of the fine amount as determined by the Court or hearings officer on the basis of the statement of the complainant or any other witness which may be presented to the Court or to the hearings officer.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.09 NOTICE OF TRIAL.

(a) If the defendant requests a trial pursuant to Option 1 or 3 as set forth in Section 203.03(f)(1), and the Court directs that a trial be held, the Court shall fix a date and time for the trial and, unless notice is waived, shall, at least five days in advance of the trial, mail to the defendant a notice of the date and time so fixed. The notice shall set forth a warning that if the defendant fails to appear the Court may find the defendant in contempt and issue a warrant of arrest OR enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(b) A defendant scheduled for a hearing pursuant to Option 3 as set forth in Section 203.03(f)(2) is deemed to have received the notice required under JCC Section 294.07(b) upon having been served a citation. If at hearing defendant requests a new hearing date and the hearings officer directs that a new date be set, the hearings officer shall fix a date and time for the new hearing and, unless notice is waived, shall, at least five days in advance of the new hearing, mail to the defendant a notice of the date and time so fixed. The notice shall set forth a warning that if the defendant fails to appear the hearings officer may enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(c) If the defendant fails to appear in response to a citation, the Court or hearings officer may, by order mailed to the defendant, require the defendant to appear before the Court or hearings officer at a time certain OR enter a conviction and a judgment against the defendant up to the maximum penalty allowed by law.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.10 TRIAL DISCRETIONARY WITH COURT; FINES.

(a) If the defendant is appearing in the Circuit Court and does not request a trial, the Court, at its discretion, may direct that a trial be held. Otherwise, the Court may enter the appropriate judgment, and return any amount by which the fine already collected exceeds the fine imposed. If the defendant is appearing before the hearings officer and defendant does not request a hearing, the hearings officer, at his or her discretion, may direct that a hearing be held. Otherwise, the hearings officer may enter the appropriate judgment, and return any amount by which the fine already collected exceeds the fine imposed.

(b) With the exception of a Defendant who fails to appear pursuant to Section 203.11, no fine shall be imposed in excess of the fine amount deposited by the Defendant, unless a trial or hearing is held.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; Ord. 91-3. Passed 1-9-91; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.11 FAILURE TO APPEAR.

(a) If the defendant in a violation proceeding does not make a first appearance in the manner required by Section 203.03 within the time allowed, and a trial or hearing is not otherwise required by the court or by the hearings officer or by law, the court or the hearings officer may enter a default judgment based on the complaint and any other evidence the judge or the hearings officer determines appropriate.

(b) If the defendant makes a first appearance in the manner required by Section 203.03 within the time allowed and requests a trial or a hearing, and the defendant subsequently fails to appear at the date, time and place set for any trial or hearing or other appearance in the matter, and if a trial or a hearing is not otherwise required by the court or by the hearings officer or by law, the court or the hearings officer shall enter a judgment based on the complaint and any other evidence the judge or the hearings officer determines appropriate.

(c) Intentional failure to appear in response to an order of the Court or hearings officer, given as prescribed in Section 203.09, or given in open Court or hearing in the defendant's presence, may be punished as contempt in the Circuit Court, if such sanction is requested by or on behalf of the County, or by a private person commencing an action under Section 203.04(c) if that person is an aggrieved party pursuant to ORS 33.055(2).

(d) No person shall knowingly fail to appear, as provided in Section 203.07, pursuant to a citation duly issued, served and filed under authority of this chapter.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03.)

203.12 PENDING ACTIONS AND PROCEEDINGS.

The adoption of this chapter shall not be construed as abating any action or legal proceeding now pending under, or by virtue of, any ordinance repealed by the adoption of this chapter, as discontinuing, abating or modifying any penalty accruing or to accrue, as affecting the liability of any person or as waiving any right of the County under any ordinance existing on the effective date of this chapter.

(Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85.)

203.13 (Ord. 86-22. Passed 7-9-86; REPEALED by E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96.)

203.14 (Ord. 86-22. Passed 7-9-86; REPEALED by E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96.)

203.15 DECISION NOT TO TAKE ENFORCEMENT ACTION.

The initiation of enforcement proceedings as set out herein and in Section 202.99 by authorized county personnel is permissive and not mandatory. Decisions not to initiate prosecution or a civil action are discretionary in nature and shall be made considering the severity of the alleged violation and the departmental and county staff, time and resources necessary.

(E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96.)

203.99 (Ord. 81-81. Passed 11-25-81; E. Ord. 85-19. Passed 8-21-85; P. Ord. 85-14. Passed 8-21-85; E. Ord. 96-29. Passed 6-26-96; P. Ord. 96-30. Passed 7-10-96; E. Ord. 98-4. Passed 1-21-98; P. Ord. 98-8. Passed 2-25-98; E. Ord. 2000-23. Passed 5-17-00; P. Ord. 2000-24. Passed 5-31-00; E. Ord. 2003-27. Passed 10-15-03; P. Ord. 2003-26. Passed 10-29-03; REPEALED by Ord 2017-18. Passed 11-08-17.)

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.

THIS PAGE RESERVED FOR EXPANSION.