

Code Modifications related to Civil Infractions

Section	Title	Amended Code Language
<u>1.20.</u>	Trial by Jury	Sec. 1.20.010. -- Right to trial by jury. Every person charged with an offense which carries a potential sentence of incarceration, as defined and made punishable by the City Charter or city ordinance shall have the right to trial by jury. (Ord. No. 1-74, § 1, 1974; Ord. No. 12-85, § 1, 1985) Sec. 1.20.020. -- Number of jurors. The jury shall consist of six persons duly sworn to try the cause for which they are called. The jurors shall be selected as provided in this chapter. (Ord. No. 1-74, § 2, 1974) Sec. 1.20.030. -- Term of court. The terms of municipal court shall be for a period of one year, beginning on January 1 of each year following the passage of the ordinance codified herein. (Ord. No. 1-74, § 3, 1974) Sec. 1.20.040. -- Jury list. Upon the passage of the ordinance codified herein, and commencing on January 2, 1974, the recorder shall prepare a preliminary jury list, by lot, of not less than 150 nor more than 500 names of persons selected from the latest tax role and registration books used in the last city election. The recorder, in preparing the preliminary jury list, shall place thereon only those names of persons who are

~~known or believed to be possessed of the qualifications described in O.R.S. 10.030 and not entitled to exemption as provided in O.R.S. 10.040.~~

~~If for any reason the making of a jury list is omitted and neglected on the 2nd day of January, it may be done on the first Monday of any month following to serve until the close of the year, and until another list is made.~~

~~(Ord. No. 1-74, § 4, 1974)~~

~~Sec. 1.20.050. -- Jury panels.~~

~~The jury panel for each term shall be selected on the first day of each term of court and the recorder shall select 100 names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any three year period. A jury panel shall be selected on January 2, 1974, upon the passage of the ordinance codified herein and thereafter on January 2 of each and every year; provided, however, that if the preliminary jury list is not selected on the second day of January of any year, the jury panel may be selected on the first Monday of any following month. The jury panel shall be selected by the recorder in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with this chapter for selecting the panel shall be sufficient.~~

~~(Ord. No. 1-74, § 5, 1974)~~

~~Sec. 1.20.060. -- Selection of trial jury.~~

~~At least ten days, excluding Sundays and legal holidays, prior to the trial date, the defendant or his attorney and the city attorney shall appear before the municipal judge for the selection of the trial jury. The time and place of said selection shall be designated by the court and the judge thereof shall notify the defendant or his attorney and the city attorney of said time and place. The judge shall then select, by lot, six names of persons from the jury panel. When it appears to the municipal judge that any of the persons whose names are drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he has good reason to believe that a person whose name is drawn is temporarily~~

~~absent from the city, or is ill, or is so engaged as to be unable to attend at the time of trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such ballot shall be returned to the jury box after the drawing of the trial jury is completed. The defendant or his attorney may then challenge by peremptory challenge four of the prospective jurors and the city may challenge by peremptory challenge two prospective jurors. The order of challenge shall be that the defendant or his attorney may challenge two and then the city attorney may challenge one and then the defendant or his attorney may again challenge two and then the city attorney may challenge one. Additional names shall be selected, by lot, to replace those jurors challenged. When six jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.~~

~~(Ord. No. 1-74, § 6, 1974)~~

~~Sec. 1.20.070. -- Alternate jurors.~~

~~The defendant or his attorney and the city attorney may agree by stipulation to the drawing of additional names from the jury panel to serve as alternate trial jurors to be summoned should summons not be served upon any of those persons selected as a part of the trial jury pursuant to Section 1.20.060.~~

~~(Ord. No. 1-74, § 7, 1974)~~

~~Sec. 1.20.080. -- Conduct of trials.~~

~~Trials shall be conducted as trials in justice court and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the state regarding the introduction or admission of evidence.~~

~~(Ord. No. 1-74, § 8, 1974)~~

~~Sec. 1.20.090. -- Verdict.~~

~~Six of the six jurors sworn to try the cause must concur to render a verdict.~~

~~(Ord. No. 1-74, § 9, 1974)~~

~~Sec. 1.20.100. -- Payment of jurors.~~

~~Those jurors notified and who appear at trial shall receive compensation from the city in the amount of \$5.00 for each day of attendance upon the municipal court.~~

~~(Ord. No. 1-74, § 10, 1974)~~

~~Sec. 1.20.110. -- Powers of the municipal judge.~~

~~The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The chief of police shall assist the judge in the serving of subpoenas, notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than \$100.00 or by imprisonment in the city or county jail for not more than 30 days, or by both such fine and imprisonment.~~

~~(Ord. No. 1-74, § 11, 1974)~~

2.80.090.	Emergency Planning	Any person, firm, corporation, association or entity who violates any emergency measure taken by the city council under authority of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. , upon conviction, to a fine of not more than \$500.00 per offense.
3.28.180.	Transient Lodging Tax	A V iolation of this chapter is a Class "A" Civil i i nfraction and is subject to the Forfeitures defined in Section 1.18.050. under Chapter 1.18. Each day that a violation remains uncured is a separate infraction.

<u>5.04.120.</u>	Occupations, Professions, and Business Licenses	Any person violating any of the provisions of this chapter shall be in v Violation of <u>any provision of this chapter shall be in violation of a</u> Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. Each day on which a violation occurs or continues shall be considered a separate violation.
<u>5.05.240.</u>	Public Transportation and Self Employment Tax	Any person, firm, corporation or association committing any v Violation of <u>any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> described in this section shall, upon conviction, be fined not less than \$100.00, nor more than \$2,500.00, for each offense, and shall be subject to one year in jail.
<u>5.24.020.</u>	Advertisements on Utility Poles	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this chapter shall upon conviction thereof be punished by a fine not to exceed \$50.00.
<u>5.28.020.</u>	Bingo and Lotto	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A violation of this chapter shall be punishable by a fine not to exceed \$500.00, by imprisonment not to exceed six months, or by both.
<u>6.04.130.</u>	Animal Control	Violation of <u>any provision of this chapter shall be in violation of</u> is deemed to be a Class C <u>Civil i</u> nfraction <u>and is subject to the Forfeitures defined in Section 1.18.050..</u>
<u>6.08.040.</u>	Apiaries, Livestock and Fowl	A person violating <u>Violation of any</u> of the provisions of this chapter shall <u>be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.,</u> upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18
<u>8.28.010.</u>	Nuisances Penalty (Chapter 8.04 through 8.24)	A person violating <u>Violation of</u> any of the provisions of Chapters 8.04 through 8.24 shall <u>be in violation of a Class B Civil Infraction and is subject to the Forfeitures</u>

defined in Section 1.18.050., ~~upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18~~

<u>8.32.170.</u>	Nuisances Explosives	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be punished by imprisonment for not to exceed ten days, or by a fine not to exceed \$300.00, or both.
<u>8.34.080.</u>	Sandy Graffiti Code	A. Applying graffiti <u>is a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>in violation of this Chapter is a Class B violation. Under ORS 153.018, a Class B violation is punishable by a maximum fine not to exceed \$360.00. B. Unlawfully possessing a graffiti implement is a Class D<u>C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>violation. Under ORS 153.018, a Class D violation is punishable by a maximum fine not to exceed \$90.00. E. Upon conviction for unlawfully applying graffiti the court shall impose a minimum fine of at least \$100.00. Upon conviction for unlawfully possessing graffiti implement, the court shall impose a minimum fine of at least \$50.00.
<u>8.34.100.</u>	Sandy Graffiti Code (abatement warrant)	F. 4. <u>Violation of any provision of this subsection shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any violation of this Subsection is punishable upon conviction by a fine of not more than \$500.00.
<u>8.35.030.</u>	Camping Prohibited in Certain Places	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> is a Class "D" violation per ORS Chapter 153. Each day that a violation occurs will be considered a separate offense.

9.01.03.	Social Hosting (unruly gatherings)	C. A person who violates subsection A. of this section shall be subject to a fine prescribed by subsection A. of s Section 9.01.04 of this Code chapter. In addition, a person who is convicted of violating subsection A. of this section for a second time, and for any additional time, within a 12-month period, shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection D. of s Section 9.01.03 of this Code chapter.
9.01.04.	Social Hosting (penalties specific)	Violation of <u>any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> the following sections is punishable by fine not to exceed \$1,000.00 or confinement in jail, or both, up to the amounts indicated opposite each.
9.01.05.	Social Hosting (administrative civil penalty)	Second and subsequent violations of subsection A. of s Section 9.01.03 of this Code chapter within a 12-month period are subject to the imposition of response costs as defined in s Section 9.01.02 of this Code chapter.
9.01.06.	Social Hosting (administrative civil penalty continued)	Upon fourth and any subsequent violation of subsection A. of s Section 9.01.03 of this Code chapter within a 12-month period, at a property as defined in s Section 9.01.02 of this Code chapter, the owner of the property is subject to the imposition of response costs as defined in s Section 9.01.02 of this Code chapter.
9.01.07.	Social Hosting (enforcement and penalties)	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A. Violations of any of the provisions of this Chapter are declared civil violations and shall be enforced pursuant to the provisions of Sandy Municipal Code 1-18 B. Fines for violations of the provisions of this Chapter shall be in the amounts specified.
10.24.120.	Parking	Violation of <u>any provisions of</u> Sections 10.24.010 to 10.24.130 is punishable by fine as set by resolution. <u>in the master fee schedule.</u>

<u>10.30.020.</u>	Stakeboards, Roller Skates, Etc. on Public Sidewalks	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful use of public sidewalks and property is a Class B infraction.
<u>10.34.010.</u>	Public Rights-of-Way Obstructions (unlawful street obstruction)	<u>Violation of any provision of this section shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful street obstruction is a Class B infraction.
<u>10.34.020.</u>	Public Rights-of-Way Obstructions (unlawful street marking)	<u>Violation of any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful street marking is a Class A infraction.
<u>10.44.010</u>	Penalties (Sections 10.12.030 through 10.12.050, Chapter 10.16, Chapter 10.20, and Chapters 10.28 through 10.32)	A. Violation of <u>any provisions of</u> Sections 10.12.030 through 10.12.050 and Chapters 10.16 and 10.20 (except Section 10.20.100 thereof), <u>shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>is punishable by fine not to exceed \$100.00, or confinement in the city or county jail not to exceed ten days, or both fine and imprisonment. B. Violation of <u>any provision of</u> Chapter 10.28 through 10.32 and Section 10.20.100 <u>shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>is punishable by fine not to exceed \$50.00.
<u>10.48.060</u>	Commercial Vehicle Size and Weight Limits	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00 or by imprisonment not to exceed six months, or by both fine and imprisonment.
<u>10.56.040.</u>	Auto Wrecking and Dismantling	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00, or by imprisonment not to exceed six months, or by both fine and imprisonment.

<u>12.02.170.</u>	Utility Facilities in Public Rights-of-Way	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any violation of the provisions of this Chapter or the license shall be a civil infraction that may be subject to a penalty of not more than \$500.00 for each offense.
<u>12.08.160.</u>	Sidewalk, Curb and Driveway Construction	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A person cited for a violation of any provisions of this Chapter shall be fined per Chapter 1.18 of this Code. Each day that a violation exists shall be considered a separate violation.
<u>12.12.030.</u>	Rules of Conduct and Exclusion from Public Property	<u>A. Violation of an exclusion notice issued in accordance with this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>is a Class A infraction punishable under Chapter 1.18 of this Code. <u>B. Violation of any other provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>A violation of any other provision of this chapter is a Class C infraction punishable under Chapter 1.18 of this Code. <u>C. A violation of an exclusion notice issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by state law and any other applicable provisions of this Code.</u>
<u>12.18.090.</u>	Street Trees	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to it is subject to a fine of \$500.00 for each separate violation.
<u>13.04.250.</u>	Water and Sewer (Violation - Penalty)	Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff, or any other part of the water system belonging to the city <u>City of Sandy</u> , or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court <u>be declared in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> of said city be fined in the sum of not more than \$100.00 for each offense, or by

~~imprisonment for a period of not more than ten days, or by both fine and imprisonment.~~

<u>13.06.070.</u>	Cross Connections	Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the <u>City of Sandy</u> city , shall be deemed guilty of a misdemeanor and, upon conviction thereof, <u>be declared in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> shall for each offense be punished by a fine in a sum not exceeding \$500.00 or imprisonment for a term not exceeding ten days, or by both fine and imprisonment.
<u>13.08.090.</u>	Water System - Connection Charges and Rates	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.
<u>13.12.170.</u>	Sanitary Sewer System - Rules and Regulations	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$300.00, or by imprisonment for not more than 100 days, or both.
<u>13.16.100.</u>	Sanitary Sewer System - Connection Fees and Charges	<u>A. Violation of any provision of Section 13.16.070. shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> <u>B. Violation of any provision of this chapter, except Section 13.16.070., shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or by imprisonment for not more than 100 days, or both

~~B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.~~

<u>13.20.110.</u>	Stormwater Utility	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.
<u>15.04.150.</u>	Building Code	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense.
<u>15.10.080.</u>	Derelict Buildings and Structures (procedure for enforcement)	<u>I. If nuisance still exists, staff shall declare the nuisance a violation of a Class B Civil Infraction, subject to the Forfeitures defined in Section 1.18.050.</u> issues a citation with a possible fine up to \$500.00 per day, mandatory appearance in Municipal Court, or initiates the abatement process.
<u>15.10.110.</u>	Derelict Buildings and Structures (citation)	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 per violation.
<u>15.12.090.</u>	Movement of Buildings	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person, firm or corporation violating any of the provisions of this chapter shall be punished

~~by a fine of not more than \$500.00 or by imprisonment in the jail for a period of not to exceed six months, or by both such fine and imprisonment.~~

<u>15.22.150.</u>	Underground Utility Districts	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be guilty of a violation punishable by a fine of not to exceed \$1,000.00. Each day during any portion of which a violation of any of the provisions of this Chapter is committed, continued, or permitted shall constitute a separate offense.
<u>15.28.160.</u>	System Development Fees (prohibited connection)	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Violation of this section constitutes a Class A infraction and subjects the violator to the penalties provided in Chapter 1.18.
<u>15.30.100.</u>	Dark Sky Ordinance	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> See Section 1.16.010 of the Sandy Municipal Code
<u>15.34.030</u>	Disposal of Debris from Construction Sites	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.
<u>15.44.160.</u>	Erosion Control Regulations	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Each violation of any provision of this section, or any failure to carry out the conditions of any approval granted pursuant to this section, shall be unlawful and a civil infraction subject to the enforcement provisions of Section 1.16.010 of this Code.