

2.003. City Council Meetings.

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(17) The following constitutes the rules of decorum:

- (a) While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (b) Any person whose conduct at a Council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.

(18) The law enforcement officer of the City, or such member or members of his office or department as he may designate, shall be Sergeant at Arms of the Council meetings, they shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant at Arms or any of them present; to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(20) No account or other demand against the City shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) ~~Any person violating~~ Violations of the provisions of Section 2.003(17)(b) of this Code ~~shall upon first conviction be guilty of a violation and shall be punished~~ may be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City for enforcing decorum during Council meetings. Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of the Section, the City shall recover its costs, inclusive or reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed. The City Attorney, or in the absence of the City Attorney, his or her designee, shall serve as the parliamentarian for City Council meetings and such other City meetings as may be needed.

(Ord. No. 380, 3-4-1991; Ord. No. 381, 3-4-1991; Ord. No. 390, 8-5-1991; Ord. No. 422, 12-20-1993; Ord. No. 698, 10-17-2011)

2.358. Library Board Fines and Penalties.

It shall be unlawful for any person, willfully or maliciously, to detain any book or library materials belonging to the Wilsonville Public Library for 30 days after notice in writing from the Librarian of said library, given after the expiration of time which by regulations of the library such materials may be kept. The notice shall bear upon its face a copy of this section. Violations of this section are ~~punishable as a violation~~enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.~~Section 1.012.~~ Such ~~conviction and payment of the fine~~enforcement shall not be construed to constitute payment for library material, nor shall ~~a person convicted~~enforcement under this section ~~be thereby relieved~~relieve the person of any obligation to return to the library such material.

(Ord. No. 253, 2-21-1984)

3.030. Enforcement and Penalty.

- (1) In addition to ~~City~~ Police, all City park employees, ~~or Council~~ persons in charge of City parks or any park area, and persons otherwise designated as Compliance Officers are authorized and directed to enforce by all lawful means full compliance by the public with the foregoing rules and regulations.
- (2) Any ~~person violating~~ violation of any park rule or regulation as delineated by Sections 3.000 and 3.020 of this Code, ~~except those involving theft or damage over \$50.00,~~ shall be ~~punished upon a first conviction for a violation enforced~~ pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Section 1.012, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code, Section 1.012. Provided, however, a violation of a park rule which involves theft or damage to property [greater] than \$50.00 shall be treated as a crime under state criminal laws. Provided further a conviction for violation of Section 3.000(31) shall only be punished as a violation pursuant to Chapter 1 of this Code ~~Section 1.012.~~

(Ord. No. 253, 2-21-1984; Ord. No. 425, 4-4-1994; Ord. No. 712, 1-7-2013)

3.106. Water Rules and Regulations—Penalty.

- (1) Any ~~person convicted of violating~~violation of any provision of Sections 3.100 to 3.104 of this Code, except provisions relating to the payment of water bills and service connection charges, and anyone causing damage to City water hydrants, meters, waterlines or other City property, and anyone using or taking, or attempting to use or take City water from the City water line or hydrant, or other source of City water supply, without an approved permit, shall be ~~guilty upon a first conviction of a violation~~enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Sections I.012, and upon a subsequent conviction of a Class B Misdemeanor pursuant to Section I.011.
- (2) Also, the City ~~Administrator~~ may institute and prosecute a civil action or any other procedure provided by law in the name of the City for the recovery of damages to City property and/or the taking of City water without payment and/or a permit, and for the City's reasonable attorney's fees as may ~~de~~ be allowed by the trial court having jurisdiction of such matter and reasonable attorney's fees as may be allowable by the appellate court or in the appeal.

(Ord. No. 252, 2-6-1984; Ord. No. 253, 2-21-1984)

3.294. Public Works Standards.

- (1) The "Standard Specifications for Public Works Construction in the City of Wilsonville, Oregon," as amended 1981, is hereby adopted as the Public Works standards for the City. All work done and materials used for public improvements in the City shall conform to such specifications unless otherwise provided for in the particular specification for work authorized by the Council.
- (2) Not less than three copies of the "Standard Specifications for Public Works Construction in the City of Wilsonville, Oregon" shall be kept and maintained on file in the office of the City Recorder for use and examination by the public.
- (3) Any ~~person violating~~ violation of any provisions of this section shall be ~~punished upon a first conviction for a violation enforced~~ pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Section 1.012, and upon a subsequent conviction for a Class C Misdemeanor pursuant to Section 1.011. Each day of any violation constitutes a separate offense.
- (4) The City ~~may also~~ Manager and/or City Council may authorize and direct the City Attorney to institute and prosecute ~~in the name of the City~~ in the courts of this state an appropriate suit or action to enjoin violations or threatened violations of this section, or to recover fees chargeable pursuant to this section. In case of any such civil suit, action, or appeal therefrom, the City shall be entitled to recover its costs and disbursements incurred therein and reasonable attorneys' fees as may be fixed by the court in such suit, or action, or appeal.

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Section 22. Enforcement.

Failure to comply with any provision of this Chapter or with any condition of a Permit, shall be deemed a violation of this ordinance and subject to enforcement action pursuant to Chapter 1 of the Wilsonville Code~~applicable City ordinance.~~

Section 23. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 24. Emergency Enactment.

The matters herein concern the public health, safety and welfare, and in consideration that the construction season has commenced, and in view of prevailing economic conditions, an emergency is declared to exist and this Ordinance shall take effect immediately upon its adoption by the City Council.

(Ord. No. 253, 2-21-1984)

RIGHT-OF-WAY AND PUBLIC EASEMENT MANAGEMENT

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3.430 – Enforcement.

Any violation of any requirement or regulation as provided in Sections 3.300 through 3.420 of this Code shall be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.

Section 4.004. Development Permit Required.

- (.01) Except as excluded by Section 4.005, no person shall directly or indirectly engage in or cause to occur a development for which a development permit has not been issued. The Planning Director may enforce this Chapter pursuant to Chapter 1 of the Wilsonville Code. The ~~B~~uilding ~~e~~Official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a development permit has not been issued.
- (.02) A development permit shall be issued by the Planning Director in accordance with the provisions set forth in Sections 4.035 of this Code. The Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development.
- (.03) Unless appealed, as provided in Section 4.022, a decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.

Section 4.025. Enforcement and Administration.

- (.01) It shall be the duty of the Planning Director, to administer and enforce the provisions of Chapter 4 of this Code in a manner to assure rapid and effective compliance, pursuant to Chapter 1 of the Wilsonville Code.
- (.02) The records of zoning actions and all amendments shall be officially held within the office of the City Recorder. All amendments to the Planning and Land Development Ordinance and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder.
- (.03) The Commission or Board by a majority vote may instruct the Planning Director to enforce any provision of this Ordinance.
- (.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or Planning Commission, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, the City Council may authorize enforcement actions pursuant to Chapter 1 of the Wilsonville Code and may authorize the City Attorney to institute an appropriate legal action in the name of the City to seek appropriate relief for such violation.

Section 4.026. Enforcement Procedures and Penalties.

- (.01) On new construction, and prior to occupancy, the Planning Director shall assure that the development has occurred in substantial conformance with the approved Site Development Plans. If substantial inconsistencies occur, the Director may withhold authorization for connection of domestic water service, or may authorize the disconnection of water service, if water service has already been established. The Director also has the authority to withhold temporary or permanent certificates of occupancy for all or part of a development and to refuse to review further applications from a non-compliant applicant until all applicable requirements are met.
- (.02) When a violation occurs, the Planning Director shall enforce the provisions of this Code pursuant to Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. ~~notify in writing the property owner and or known agent of the property owner of the violation. The notice shall set forth the nature of the violation and the necessary corrective action and shall specify the penalty for non-compliance and a reasonable date of compliance not to exceed 30 days from the date of notice. An error in the name of the owner or use of a name other than the true owner or agent of such property shall not render void such notice. In such case the posted notice shall be deemed sufficient.~~
- (.03) If the violation has not been corrected, or a reasonable effort made to correct the violation within the time set forth in the notice, the Planning Director may cause the domestic water service to the property to be shut off as set by the Water Rates Ordinance, and may pursue any other remedy pursuant to Chapter 1 of this Code.
- (.04) A violation of any provision of this Chapter is ~~punishable-enforced, upon a first conviction,~~ as a violation pursuant to Chapter 1 ~~Section I.012~~ of the Wilsonville Code, ~~and upon a subsequent conviction, as a Class C Misdemeanor pursuant to Section I.011.~~ In the case of a continuing offense, each day of any violation constitutes a separate offense.
- (.05) Pursuant to Chapter 1 of this Code, ~~t~~The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.

(Ord. No. 253, 2-21-1984)

Section 4.137.3. Solar Access Permit Standards.

- (.01) *Purpose.* The purpose of these standards is to protect solar access to solar features on lots designated or used for a single-family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site.
- (.02) *Applicability.* An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in any residential zone that is or will be developed with a single-family dwelling. The City's decision whether or not to grant a solar access permit is intended to be ministerial.
- (.03) *Approval standards for a solar access permit.* The Planning Director shall approve an application for a solar access permit if the record shows:
- A. The application is complete;
 - B. The information it contains is accurate;
 - C. Vegetation on the applicant's property does not shade the solar feature;
 - D. No objection has been raised by an affected property owner;
 - E. That the permit, if issued, does not conflict with other sections of the Wilsonville Code; and
 - F. That the permit, if issued, would not restrict any lot which has an average slope of 15 percent in the northerly direction.
- (.04) *Duties created by solar access permit.*
- A. A party to whom the City grants a solar access permit shall:
 - 1. Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in Section 4.137.3(.05)(C) with such modifications as required by the responsible official in the office of the county recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing;
 - 2. Install the solar feature in a timely manner as provided in Section 4.137.3(.08); and
 - 3. Maintain vegetation on the site so it does not shade the solar feature.
 - B. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the site plan required in Section 4.137.3(.05)(C), vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation are exempt from the solar access permit.
- (.05) *Application contents.* In addition to the application requirements pursuant to Section 4.035(.05), an application for a solar access permit shall contain the following information:
- A. A legal description of the applicant's lot and legal description, owners' names, and owners' addresses for lots all or a portion of which are within 250 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The services of a title company shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.
 - B. A scaled plan of the applicant's property showing:

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1. Vegetation in the ground [as] of the date of the application, if when mature, that vegetation could shade the solar feature.
 2. The approximate height above the grade of the solar feature, its location, and its orientation relative to true south.
- C. A scaled plan of the properties on the list required in subsection A, above, showing:
1. Their approximate dimensions; and
 2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
- D. For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for vegetation on lots affected by a Solar Access Permit (see Figure 12: Solar Access Height Limit). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more [than] 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow vegetation on that lot whose height causes not more shade on the benefited property than could be caused by a structure that complies with Section 4.137.2 for existing lots.
- E. A fee, as required for Class II Administrative Review.
- F. If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to Section 4.137.3(.05)(C) above accurately represents vegetation in the ground on the date of the application. The signed statements provided for herein are permitted but not required for a complete application.
- (.06) *Application review process.* Application for a solar access permit shall be reviewed under Section 4.035 Class II - Administrative Review.
- A. A Pre-Application Conference may be held in accordance with Section 4.010(.02).
- B. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in Section 4.137.3(.05) above.
- C. After filing the application in accordance with Section 4.011(.01) the Planning Director or his or her designate shall determine whether the application is complete in accordance with Section 4.011(.02).
- D. Upon receiving a complete application, the Planning Director shall mail notice of the proposed application, pursuant to Section 4.035(.03)A.
1. The notice shall include the plot plans required in Sections 4.137.3(.05)(B) and (C) above, the proposed solar access height limits, and duties created by the permit.
 2. The notice shall request recipients to verify that the plot plan shows all vegetation on the recipient's property, and to send the Planning Director comments in writing within 14 calendar days after the notice is mailed if the recipient believes the applicant's plot plan is inaccurate.
- E. After the final response date, the Planning Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and make a final decision pursuant to Section 4.035(.03)(C.)
1. If the final decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.

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2. If the final decision is to approve the permit, and the owners of all affected properties did verify the accuracy of the plot plan as permitted under Section 4.137.3(.05)(F), the Planning Director shall mail a copy of the decision to the applicant and affected parties. The notice to affected parties shall include information that the solar access permit exists and that it may affect the ability of the property owner to grow vegetation, and that it imposes certain obligations the property owner to trim vegetation.
 3. If the final decision is to approve the permit, and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under Section 4.137.3(.05)(F), the Planning Director shall send a copy of the final decision to the applicant and to the owners of affected properties (including those who did not sign the verification statement pursuant to Section 4.137.3(.05)(F)). The notice to affected parties shall include information that the solar access permit exists and that it may affect the ability of the property owner to grow vegetation, and that it imposes certain obligations the property owner to trim vegetation.
- F. If the application is approved, the permit is not effective until the applicant records the permit, associated solar access height limits, legal descriptions for the affected properties (including the property where the solar feature is to be located), any special exceptions or exemptions from the usual affects of a solar access permit, and the site plan required in section 4.137.3(.05)(C) (with such modifications as required by the responsible official in the office of the county recorder) with the deeds to the properties affected by the permit.

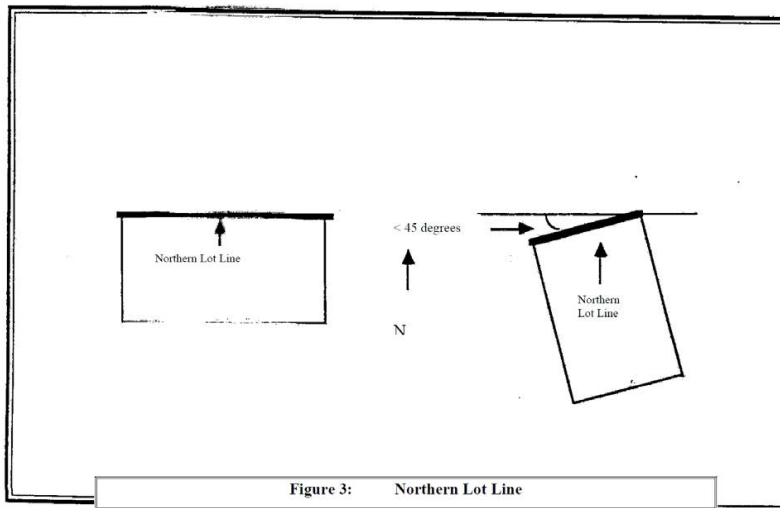
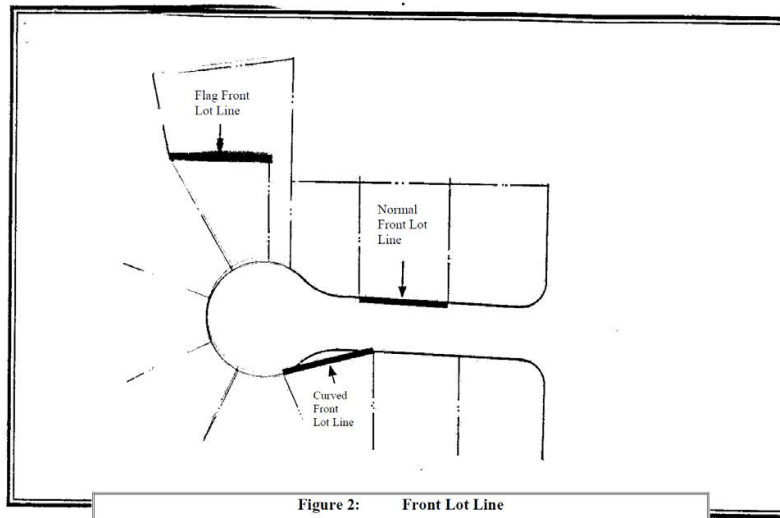
(.07) *Permit enforcement process:*

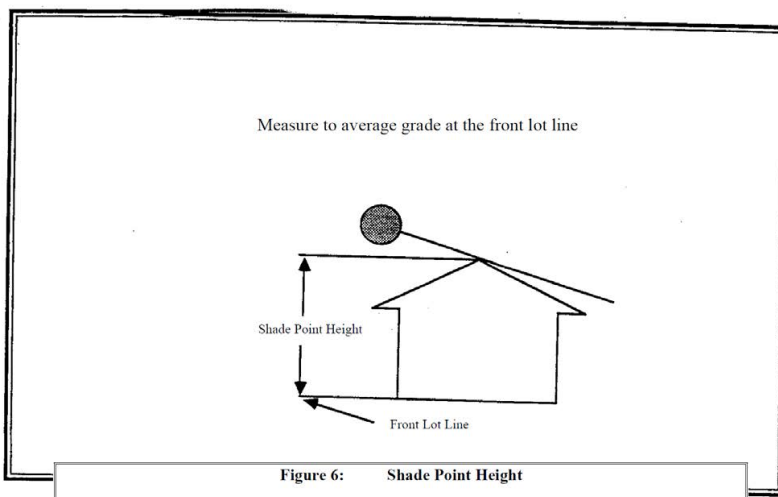
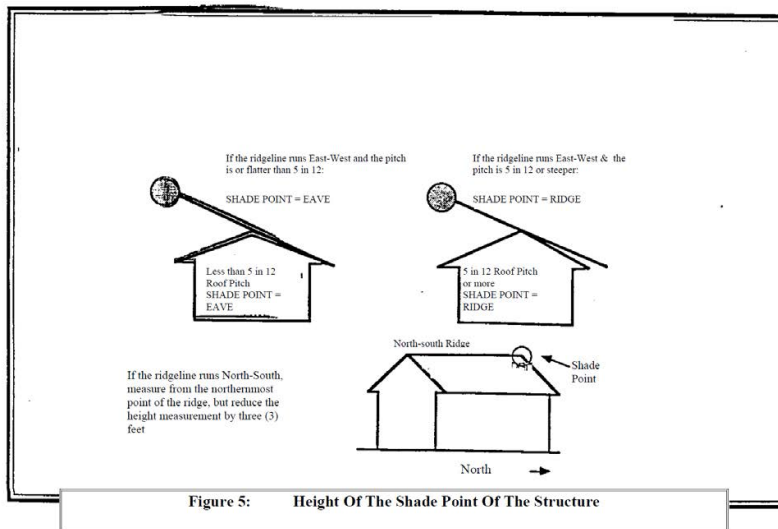
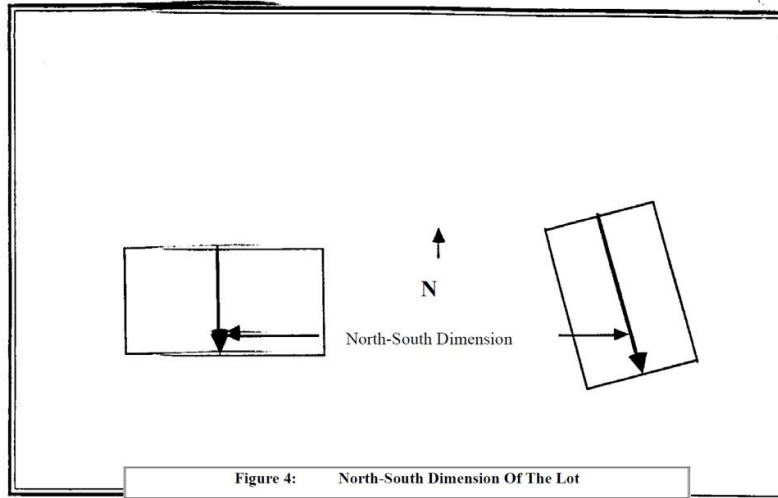
- A. *Enforcement request.* A solar access permittee may request the City to enforce the solar access permit by providing the following information to the Planning Director:
1. A copy of the solar access permit and the plot plans submitted with the permit; and
 2. The legal description of the lot(s) on which alleged vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the vegetation; and
 3. Evidence the vegetation violates the solar access permit, such as sunchart photograph, shadow pattern, and/or photographs.
- B. *Enforcement process.* If the Planning Director determines the request for enforcement is complete, he or she shall initiate an enforcement action pursuant to the procedures set forth in Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. to WC section 4.025 and 4.026. Provided the Planning Director shall not enforce the permit against vegetation the owner of which shows was in the ground on the date the permit application was filed with the City.

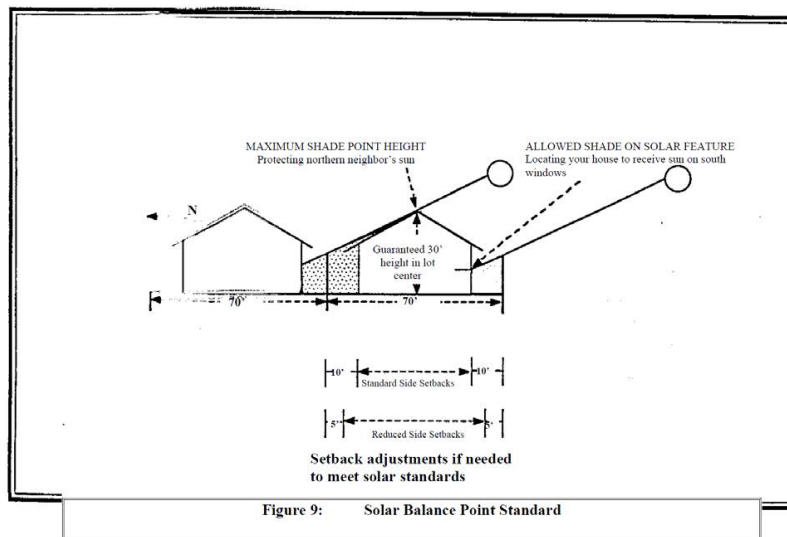
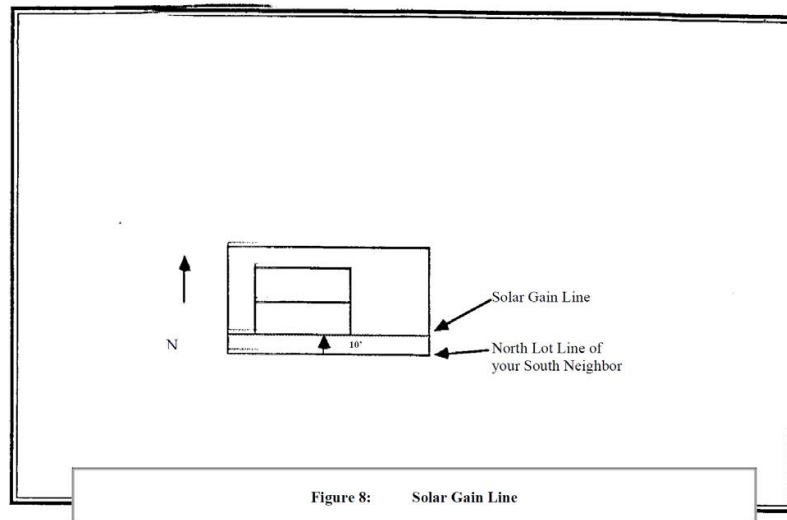
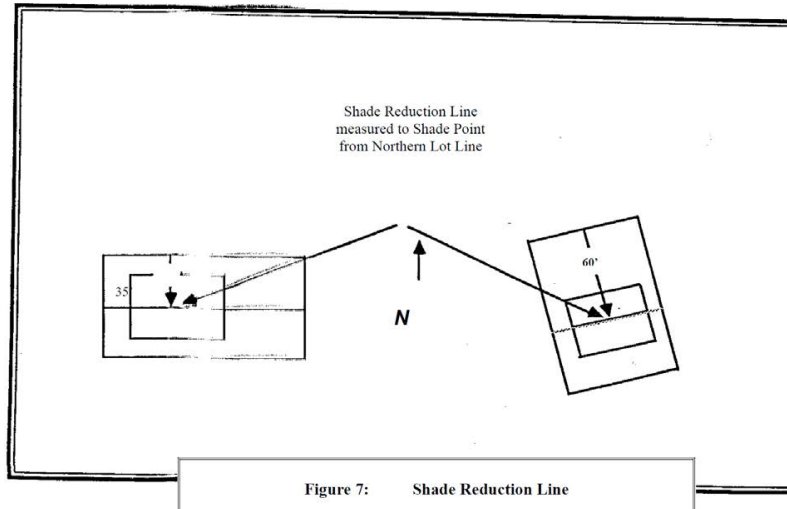
(.08) *Expiration and extension of a solar access permit:*

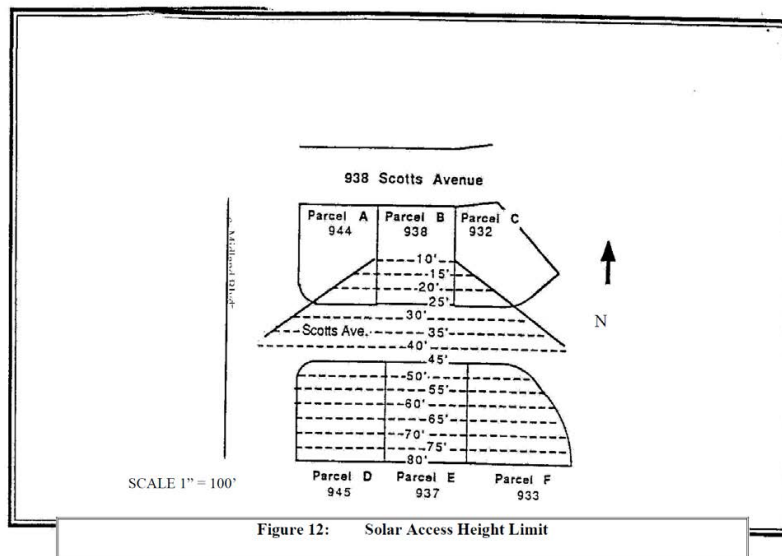
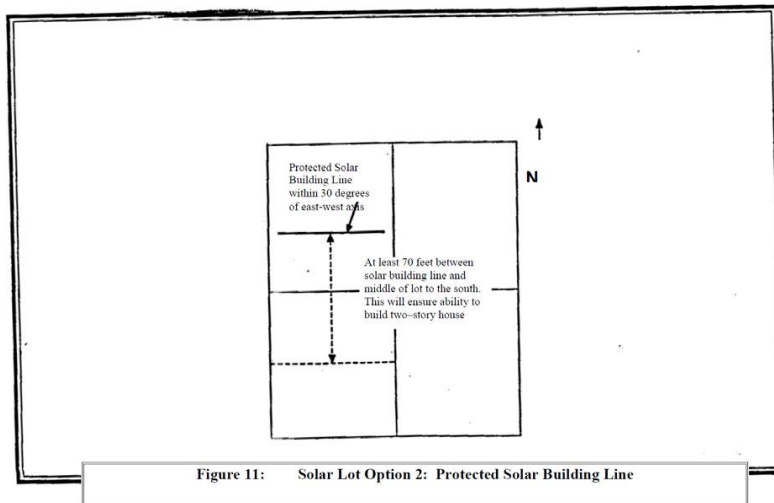
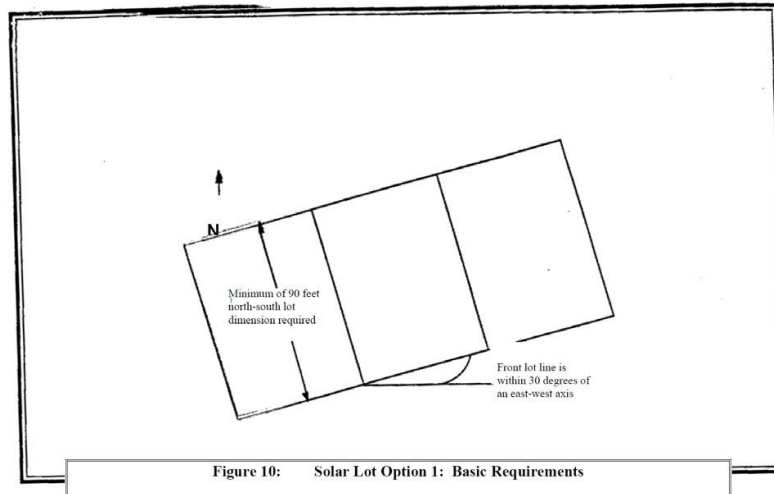
- A. *Expiration.* Every permit issued by the Planning Director under the provisions of this section shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days from the date of such permit; if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days; or the use of the solar feature is discontinued for more than twelve consecutive months. The applicant may reapply for a solar access permit in accordance with Section 4.137.3. The fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, or if the solar feature is removed, the Planning Director shall terminate the permit by recording a notice of expiration in the office of the county recorder with the deeds to the affected properties.

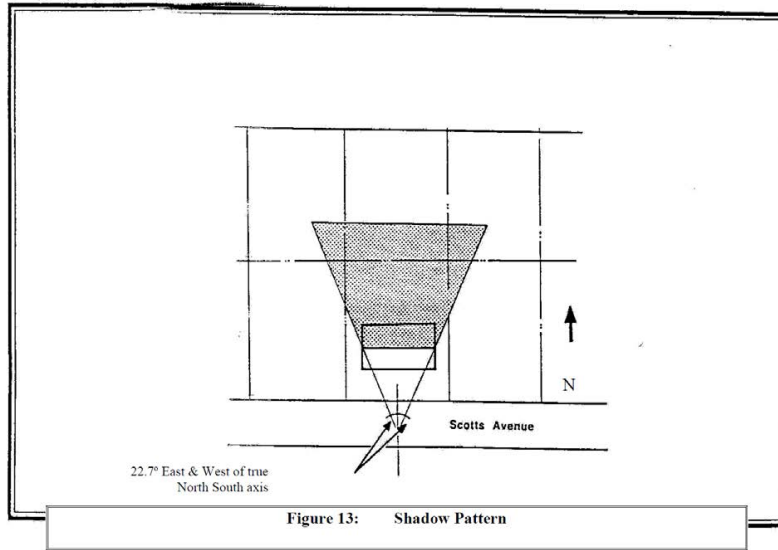
- B. *Extensions.* Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this section for good and satisfactory reasons. The Planning Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.











Section 4.156.11. Sign Enforcement.

- (.01) *General.* Any person who places a sign that requires a permit under this section, and who fails to obtain a permit before installing the sign, shall be subject to penalties as established in Chapter 1 of the Wilsonville Code and fines as established in Wilsonville Code 4.025.
- (.02) *Removal of Signs.* Any sign placed on public property in violation of the provisions of this Code shall be immediately removed by the City. As soon thereafter as reasonable, the City shall notify the owner or the owner's representative that the sign has been removed, and that if the sign is not claimed within ten days, the sign will be deemed abandoned and subject to disposal by the City. The City shall have no responsibility to contact the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign and shall dispose of the sign ten days after its removal by the City. The City Council may establish fees to be collected at the time of releasing impounded signs in order to cover the City's costs in collecting, storing, and returning these signs and administering the sign removal program.
- (.03) *Civil Enforcement.* Any violation of any provisions of this section shall be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Any sign which is intentionally placed in violation of the provisions of this Code after the owner of the sign has been notified of the initial sign removal and reason for its removal, shall subject the owner to a civil violation pursuant to Chapter 1 not to exceed \$100.00 as and for a A civil fine penalty may be assessed for each day that a violation continues to exist.
- (.04) *Additional enforcement.* The remedies described herein are not exclusive and may be used in addition to those prescribed elsewhere in the Wilsonville Code, including Sections 1.012 and 1.013, Violations, and 6.200 through 6.620, Nuisances. The City Attorney may use any enforcement process available at law or equity, including but not limited to, seeking injunctive relief, equitable relief, damages, or fines for violations.

<u>Sign Location Description</u>		<u>Lawn Signs</u> [see WC 4.156.05 (.02) I.]	<u>Rigid Signs</u> [see WC 4.156.05 (.02) J.]	<u>Maximum Combined Lawn and Rigid Signs</u>
Part 1. General Allowances for Lawn and Rigid Signs				
Residential or Agriculture zoned lots. ¹	Area per sign face	6 sq. ft.	6 sq. ft.	
	Exempt at one time	3 signs per lot	1 sign per lot	<i>3 signs per lot</i>
Commercial, Industrial, or Public Facility zoned lots. ²	Area per sign face	6 sq. ft.	32 sq. ft.	
	Exempt at one time	3 signs per lot	1 sign per lot, plus 1 additional sign if the lot is more than 3 acres in area or has multiple street frontages	<i>3 signs per lot, plus 1 additional rigid sign if the lot is more than 3 acres in area or has multiple street frontages.</i>
Part 2. Additional Special Allowances for Rigid Signs³				
Lots with active commercial, industrial, public facility, or multi-family construction projects. ⁴	Area per sign face		64 sq. ft.	
	Exempt at one time		1 sign per lot	
Residential or Agriculture tracts of land in excess of 5 acres or recorded residential subdivisions with more than 25% of the lots remaining unsold and undeveloped.	Area per sign face		32 sq. ft.	
	Exempt at one time		1 sign per qualifying tract or subdivision	
¹ Residential and Agriculture zones include all PDR (Planned Development Residential) zones, along with the R (Residential), RA-H (Residential Agriculture-Holding) zone, and any county-zoned land within Wilsonville City limits. In addition, lots not zoned Residential, but designated exclusively for residential use in an approved Master Plan, shall be considered				

residentially-zoned for the purposes of this table. This includes residential lots and in the Village Zone.

² Commercial, Industrial, Public Facility zones include all PDC (Planned Development Commercial), PDI (Planned Development Industrial), and PF (Public Facility) zones. In addition, lots zoned Village, but designated for commercial, mixed-use, or publicly-owned use in an approved Master Plan, shall fall under this description category for the purposes of this table.

³ Sign allowances in Part 2 are in addition to the allowances and maximums in Part 1.

⁴ An active construction project means a construction project for which any required building permits have been obtained and for which the City Building Official has not approved building occupancy. When the Building Official issues a temporary Certificate of Occupancy, the construction project shall be considered active until a permanent Certificate of Occupancy is issued. Active construction projects involving churches, private schools, or other non-single-family uses are included in this description.

Table S-1: Exempt Lawn and Rigid Sign Allowances

(Ord. No. 675, 3-1-2010; Ord. No. 704, 6-18-2012)

Section 4.290. Penalties.

Any person who violates or fails to comply with any provisions of this Code shall be subject to penalties and other remedies pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.~~the provisions of Section 4.026 (Enforcement).~~

Section 4.630.10. Display of Permit; Inspection.

The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation subject to the enforcement procedures set forth in Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.~~of this subchapter.~~

Section 4.640.00. Violation; Enforcement.

- (.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.~~WC 1.013.~~ In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.
- (.02) *Retroactive Permit.* A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.
- (.03) *Nuisance Abatement.* Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260~~Chapter 1~~ of the Wilsonville Code.
- (.04) *Withholding Certificate of Occupancy.* The City ~~Building Official~~Manager or designee has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.
- (.05) *Fines.* Fines for a violation shall be imposed according to Chapter 1 of this Code and may, at the City's discretion, be deposited into the City's Tree Fund.~~WC 1.012.~~
- (.06) *Mitigation.* The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.
- A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required pursuant to Chapter 1 of this Code. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.
- B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.

~~Section 4.640.10. Alternative Enforcement.~~

~~(.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed:~~

- ~~A. — If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.~~
- ~~B. — "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.~~
- ~~C. — Any fines collected by the City under this section shall accrue to the City Tree Fund.~~

Section 4.640.20. Responsibility for Enforcement.

Compliance with this Chapter shall be enforced by ~~the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers, and~~ any person designated as a Compliance Officer pursuant to Chapter 1.

Section 4.808. Inspections.

- (.01) The City or its agents shall have authority, either through consent of the property owner or other responsible party, as defined in Chapter 1; through consent from an applicable permit, agreement, license, or similar document; or after the issuance of an administrative warrant pursuant to Chapter 1 of this Code, to enter onto the property upon which a WCF is located to inspect the facility for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and Federal and State law.
- (.02) As a condition of approval and prior to final inspection of the WCF, the applicant shall submit evidence, such as photos, to the satisfaction of the City, sufficient to prove that the WCF is in substantial conformance with photo simulations provided with the application. Nonconformance shall require modification to compliance within 30 days or the WCF, or nonconforming components, must be removed.
- (.03) The City reserves the right to conduct ~~such~~ inspections consistent with the consent of the property owner or other responsible party, as defined in Chapter 1; through consent from an applicable permit, agreement, license, or similar document; or after the issuance of an administrative warrant pursuant to Chapter 1 of this Code, at any time, upon reasonable notice to the WCF owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards set forth by the City has occurred, remedy of the violation may include cost recovery for all costs incurred in conforming and processing the violation.

(Ord. No. 831, 1-24-2019; Ord. No. 882, § 2(Exh. A), 10-2-2023)

Editor's note(s)—See the editor's note at § 4.805.

Section 4.813. Mandatory and Automatic Permit Conditions of Approval for Section 6409(a).

Any Section 6409(a) Co-Location/Modification Permit approved or deemed-granted by the operation of federal law shall be automatically subject to the conditions of approval described in this Section.

- (.01) *Permit Duration.* The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
- (.02) *Accelerated Permit Terms Due to Invalidation.* In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) Co-Location/Modification Permit(s), such permit(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) Co-Location/Modification Permits. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) Co-Location/Modification Permit when it has submitted an application for either a Conditional Wireless Facilities Permit or an Administrative Wireless Facilities Permit for those improvements before the one (1) year period ends. The Planning Director may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.
- (.03) *No Waiver of Standing.* The City's grant or grant by operation of law of a Section 6409(a) Co-Location/Modification Permit does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) Co-Location/Modification Permit.
- (.04) *Compliance with All Applicable Laws.* Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
- (.05) *Inspections; Emergencies.* The City or its designee may enter onto the facility area to inspect the facility pursuant to the consent of the property owner or other responsible party, as defined in Chapter 1; through consent from an applicable permit, agreement, license, or similar document; or after the issuance of an administrative warrant pursuant to Chapter 1 of this Code upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (.06) *Contact Information for Responsible Parties.* Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Director upon permittee's receipt of the Planning Director's written request.
- (.07) *Indemnities.* The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or

causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the City attributable to the interference. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

(.08) *Adverse Impacts on Adjacent Properties.* Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

(.09) *General Maintenance.* Permittee must comply with Section 4.805 at all times.

(Ord. No. 831, 1-24-2019; Ord. No. 882, § 2(Exh. A), 10-2-2023)

Editor's note(s)—See the editor's note at § 4.805.

6.020. Violations.

- (1) Any violation of Sections 6.000 ~~to through~~ 6.010 shall be ~~punishable as a violation~~ enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City~~Section 1-012. Each day of any violation constitutes a separate offense.~~
- (2) The social games permit shall be denied or revoked if conditions of the license are violated, or the applicant, any of the applicant's officers or principal managing employees has 1) falsified any statement in the application for permit, or 2) been convicted of any offense in violation of federal or State law or this Code relating to gambling on the licensed premises.

(Ord. No. 646, 4-21-2008)

6.170. Penalties.

- (1) *Penalties.* Any ~~person who shall violate or fail to comply~~ violation or noncompliance with the provisions of Sections 6.100 to 6.175, or, ~~who, having obtained a permit hereunder, shall willfully~~ any failure to continue to comply with the terms and conditions hereunder, ~~or who shall counsel, aid or abet in violation of these Sections,~~ shall be enforced upon a first conviction thereof, be guilty of a violation pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Section 1.012, and upon a subsequent conviction thereof, be guilty of a Class C Misdemeanor pursuant to Section 1.011.

NUISANCES

6.200. Definitions.

As used in Sections 6.202 to ~~6.260~~ 6.229, unless the context requires otherwise, the following terms shall mean:

Authorized Officer. The Sheriff, any Sheriff's Deputy, or any other person expressly authorized by the City manager or Clackamas County Sheriff to issue Noise Ordinance citations, or make determinations of the existence of a Noise Ordinance violation, including, but not limited to Compliance Officers as defined in WC Chapter 1, for the purpose of enforcement procedures set forth in WC Chapter 1~~chapter 6~~.

Business includes any sole proprietorship, partnership, corporation, business trust, unincorporated association, and any legal entity created for the purposes of engaging in commercial activity.

Business premises includes all real property on which the business is located and any buildings erected on such property.

Commercial Area. Areas zoned Planned Development Commercial (PDC), including PDC-TC (Town Center) in accordance with the terms and maps of the City's zoning ordinance.

Customer includes any person who patronizes a business. The term "customer" also includes those persons who are going to the business premises to patronize the business or coming from the business premises.

Disruptive activity means any act or acts that constitute a violation of one of the following statutes or ordinances:

- (a) ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, or ORS 163.190, relating to assault or menacing;
- (b) ORS 163.415, ORS 163.425, ORS 163.435, or ORS 163.445, relating to sexual abuse, contributing to the delinquency of a minor, and sexual misconduct;
- (c) 163.465, relating to public indecency;
- (d) ORS 166.025, relating to disorderly conduct;
- (e) ORS 166.065, relating to harassment;
- (f) ORS 164.345, ORS 164.354, or ORS 164.365, relating to criminal mischief;
- (g) ORS 164.425 or 164.255, relating to criminal trespass;
- (h) ORS 164.805, relating to littering;
- (i) ORS 467.020, relating to noise limits; and
- (j) ORS 471.405, ORS 471.410, and ORS 471.412, relating to alcoholic liquor violations.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Employee includes any officer, director, agent, or employee of a business. The term "employee" also includes independent contractors who work on the business premises.

Farm Area. Any real property which contains a farm, provided that the structure or building is properly zoned, or is legally nonconforming, for farm use in accordance with the terms and maps of the City's zoning ordinance.

Graffiti. Any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any real or personal property that is not authorized by persons responsible for the property.

Graffiti Nuisance Property. Property upon which graffiti has been applied, if the graffiti is visible from any public right-of-way or premises open to the public, and if the graffiti has not been removed within 72 hours of its appearance.

Industrial Area. Areas zoned Planned Development Industrial (PDI) in accordance with the terms and maps of the City's zoning ordinance.

Loud or Raucous Noise.

- (a) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
- (b) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

Pattern of disruptive activity means three or more incidents of disruptive activity within a period of a year. No relationship or similarity among the incidents need be shown to establish a pattern.

Person. Any individual, firm, association, partnership, joint venture, or corporation.

Person in charge of property. An agent, occupant, lessee, contract purchaser, tenant, or person other than an owner, having possession or control of the property.

Person responsible. The person responsible for abating a nuisance shall include:

- (a) The owner.
- (b) The person in charge of property, as defined in this section.
- (c) The person who causes to come into or continue in existence a nuisance, as defined in Sections 6.202 to 6.226 or in any other applicable Section.

Plainly Audible. Any sound that can be detected by a reasonable person of ordinary sensitivities using unaided hearing faculties.

Public Place. A building, place, or accommodation, whether publicly or privately owned, open and available to the general public."

Public space. Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential Area. Areas zoned Residential in accordance with the terms and maps of the City's zoning ordinance or any real property which contains a structure or building in which one or more persons reside, that is legally nonconforming.

(Ord. No. 257, 5-7-1984; Ord. No. 370, 6-4-1990; Ord. No. 631, 8-6-2007; Ord. No. 645, 4-7-2008)

6.202. Public Health.

- (1) No owner or person in charge of property may permit or cause a nuisance affecting public health and safety. The following are nuisances affecting public health and safety:

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- (a) *Privies*. Open vaults or privies constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with State Health Division Regulations.
 - (b) *Odor*. Premises, substances, or conditions which are in such a state as to cause an offensive odor.
 - (c) *Debris on private property*. Accumulations of debris, rubbish, manure and other refuse located on private property that are not removed within a reasonable time and that the health, safety or welfare of the City.
 - (d) *Stagnant water*. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
 - (e) *Water pollution*. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste, or other substances placed in or near such water in a manner which will cause harmful material to pollute the water.
 - (f) *Food*. Decayed or unwholesome food which is offered for human consumption.
 - (g) *Surface drainage or release*. Drainage of liquid waste from private premises, or drainage or release of rainwater, ice or snow from private premises onto or across a street or sidewalk. Snow and ice shall be removed or covered pursuant to Section 6.212.
 - (h) *Garbage containers*. Garbage and non-combustible refuse that is not stored in metal, fly-tight, watertight, and rodent-proof containers that are kept clean and in good repair.
 - (i) *Building material*. Lumber, wood, sawdust, bricks, sand, gravel, and other building materials, and other building material that is not stored off the ground, or is stored in a manner so as to invite rats or other rodents to nest therein.
 - (j) *Livestock and pets*. The keeping of livestock and pets or buildings for the purpose of housing such livestock or pets in such a manner as to be a breeding place or likely breeding place for rodents or pests.
 - (k) *Dead animals or birds*. Any dead animals or birds, whether on private property or on public streets or places, exposed for any period of time longer than reasonably necessary to accomplish the removal or disposal of the carcass. The owner or person in control of the animal or bird shall be responsible for the removal or disposal.
 - (1) *Sanitation*. A business or residence that is kept or maintained in such a condition as to permit rats, rodents, vermin, or other pests to burrow or live therein.

(Ord. No. 257, 5-7-1984)

6.204. Noise.

- (1) *General Prohibition*. No person shall make, continue, or cause to be made or continued any Loud or Raucous Noise.
 - (a) Factors for determining whether a sound is Loud or Raucous Noise may include, but are not limited to, the following:
 - 1. The proximity of the sound to sleeping facilities, whether residential or commercial area;
 - 2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - 3. The time of day or night the sound occurs;
 - 4. The duration of the sound;

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5. Whether the sound is recurrent, intermittent or constant;
 6. Whether the sound has occurred in the past and with what affect; and
 7. The practical or exigent justifications for the sound.
- (2) *Noises Prohibited.* The following acts, if done intentionally or permitted knowingly, are declared to be per se violations of this Ordinance. This enumeration does not constitute an exclusive list:
- (a) *Unreasonable Noises.* The making of any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.
 - (b) *Vehicle Horns, Signaling Devices, and Similar Devices.* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
 - (c) *Non-Emergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.
 - (d) *Emergency Signaling Devices.* The sounding of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (i) and (ii), below.
 1. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
 2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.
 - (e) *Radios, Televisions, Boomboxes, Phonographs, Stereos, Electronically/Electrically Amplified Musical Instruments and Similar Devices.* The use or operation of a radio, television, boombox, stereo, electronically/electrically amplified musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by in residential areas, including multi-family or single-family dwellings.
 - (f) *Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices.* The unreasonably loud operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:
 1. Within or adjacent to residential or noise-sensitive areas;

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2. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.

- (g) *Yelling, Shouting, and Similar Activities.* Yelling, shouting, hooting, whistling, or singing in residential areas or in public places, between the hours of 10:00 pm and 7:00 am, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.
 - (h) *Animals.* Unreasonably Loud or Raucous Noise emitted by an animal for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal.
 - (i) *Construction or Repair of Buildings, Excavation of Streets and Highways.* The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 9:00 p.m., on weekdays, Pacific Daylight Time, and 9:00 am and 7:00 pm on Saturdays, Pacific Daylight Time, and 7:00 am to 8:00 pm, on weekdays, Pacific Standard Time, and 9:00 am to 6:00 pm, on Saturdays, Pacific Standard time. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the City Manager or designee may issue a permit, upon application, if the City Manager or designee determines that the public health and safety, as affected by Loud or Raucous Noise caused by construction or repair of buildings or excavation of streets and highways between above mentioned hours will not be impaired, and if the City Manager or designee further determines that loss or inconvenience would otherwise result. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less. In non-emergency situations where application for a permit is not practically possible, an Authorized Officer may, on the above-determinations, find the noise not to be a per se violation.
 - (j) *Blowers, Lawn, Garden, Household Equipment, and Similar Devices.* In residential areas, between the hours of 8:00 p.m. and 7:00 a.m., on weekdays, and 8:00 pm and 9:00 am on weekends, the operation of any noise-creating blower, power fan, lawn, garden, or household equipment, or any internal combustion engine, the operation of which causes noise due to electric power or the explosion of operating gases or fluids, provided that the noise is unreasonably Loud or Raucous and can be heard across the property line of the property from which it emanates.
 - (k) *Commercial Establishments Adjacent to Residential Property.* Unreasonably Loud or Raucous Noise from the premises of any commercial establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from within any residential property.
- (3) *Exemptions.* Sounds caused by the following are exempt from the prohibitions set out in 6.204 and are in addition to the exemptions specifically set forth in Section 6.204(2).
- (a) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
 - (b) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 6.204(2)(d) continues to apply.
 - (c) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

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- (d) Repairs or excavations of bridges, streets, or highways by or on behalf of the City, the State, or the federal government between the hours of 7:00 p.m. and 7:00 a.m. when the public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
 - (e) *Outdoor School Playground Activities.* Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
 - (f) *Other Outdoor Events.* Outdoor gatherings, public dances, shows, sporting events and other similar outdoor events, but only if and to the extent that a Special Events Permit has been obtained for the outdoor event, pursuant to Section 6.100 et seq. of the Wilsonville City Code, that specifically exempts the Special Event from all or certain specified portions of Section 6.204(1) and Section 6.204(2).
 - (g) Normal farm operation taking place in a Farm Area.
 - (h) Lawn, garden, or household equipment associated with the normal repair, upkeep or maintenance of property, provided that the prohibition of Section 6.204(2)(j) continues to apply.
 - (i) Sounds originating from the loading or unloading of any freight, material or property into or from a railroad car, or the opening, closing or destruction of bales, boxes, crates, or containers in connection therewith during the hours of 8:00 am to 7:00 pm on any day of the week, unless said railroad car is being loaded or unloaded directly into a building immediately adjacent to said railroad car, in which case loading and unloading will be permitted at all hours on any day of the week.
 - (j) Sounds originating from the normal cleaning, sweeping, and vacuuming of commercial and industrial facility parking lots during the hours of 10:00pm and 7:00 am.
 - (k) Ordinary maintenance and golf club operations occurring at the Charbonneau Golf Course.
 - (1) Operations of the Oregon Department of Transportation in constructing or maintaining any state highway.
 - (m) Sounds originating from the ordinary loading or unloading of merchandise, materials, equipment or other things at a place of business or industry.
- (4) *Exceptions.*
- (a) Upon written request from the owner or controller of a noise source, the City Manager or designee may authorize an exception permit as specifically listed in these rules for:
 - 1. Unusual and/or infrequent events;
 - 2. Industrial or commercial facilities previously established in areas of new development of residential areas;
 - 3. Those industrial or commercial noise sources whose permitted noise levels are exceeded by any noise source external to the industrial or commercial noise source in question.
 - (b) In establishing exceptions, the City Manager or designee shall consider the protection of health, safety, and welfare of Wilsonville citizens as well as the feasibility and cost of noise abatement; the past, present, and future patterns of land use; the relative timing of land use changes; and other legal constraints. For those exceptions which it authorizes the City Manager or designee shall specify the times during which the noise rules can be exceeded and the quantity and quality of the noise generated, and when appropriate shall specify the increments of progress of the noise source toward meeting the noise rules.
 - (c) A denial of such an exception permit may be appealed to the City Council at the next regularly scheduled meeting of the City Council following the applicant's denial.

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- (5) *Defense.* It is a defense to a Notice of Violation or Notice of Civil Penalty issued pursuant to Chapter 1prosecution of the person cited in violation of section 6.204(1) or (2) if:
- (a) The noise emissions cited for violating 6.204(1) or (2) can be shown not to have exceeded the noise limits specified in the Oregon Administrative Rules, Chapter 340, Division 35, Department of Environmental Quality Noise Control Regulations for Industrial and Commercial Noise Source Standards as set forth in Regulations 340-035-0015 and 340-035-0035 including applicable Regulations and Tables referenced therein ("DEQ Regulation"). For the purposes of this chapter, the term "Quiet Area" in the DEQ Regulation is "Residential Area" as defined in this Chapter.
 - (b) The City Manager or designee has issued a permit as set forth excepting the noise at issue from the specified violation.

(Ord. No. 631, 8-6-2007; Ord. No. 714, 4-1-2013)

6.206. Garbage Removal.

The person in charge of each business establishment or dwelling unit within the city shall be responsible for removing refuse, garbage, trash and combustible material from the premises before it becomes a hazard, nuisance, or causes an unsanitary or offensive condition.

(Ord. No. 257, 5-7-1984)

6.208. Creating a Hazard.

- (1) No person shall create a hazard by:
- (a) Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which blocks or fastens automatically when closed and which cannot be easily opened from the inside; or
 - (b) Being the person responsible for property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12inches or more, and failing or refusing to cover or fence it with suitable protective construction;
 - (c) Maintaining filth, rubbish, waste material, and any other substance which may endanger or injure neighboring property, passersby, or the health, safety or welfare of the public. All such persons shall keep the sidewalk and half of the street or streets abutting their property free from earth, rock and other debris and from projecting and/or overhanging bushes, brush, and dead and decaying trees and limbs that might obstruct or render unsafe the passage of persons or vehicles except as addressed under Section 6.218.

(Ord. No. 257, 5-7-1984)

6.210. Attractive Nuisances.

- (1) No owner or person in charge of property may permit:
- (a) Unguarded machinery, equipment or other devices on the property which are attractive, dangerous and accessible to children.
 - (b) Lumber, logs or pilings placed or stored on the property in a manner that is attractive, dangerous and accessible to children.

-
- (c) An open pit, quarry, cistern or other excavation without erecting appropriate safeguards or barriers to prevent the places from being used by children.
 - (2) This section shall not apply to authorized construction projects, if, during the course of construction, reasonable safeguards are maintained to prevent injury or death to playing children and Section 6.218 is complied with.

(Ord. No. 257, 5-7-1984)

6.212. Snow and Ice Removal.

- (1) No owner or person in charge of property, improved or unimproved, abutting a public sidewalk, shall permit:
 - (a) Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.
 - (b) Ice to cover or remain on a sidewalk, after the first two hours of daylight after the ice has formed. The person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes, or other suitable material to assure safe travel.

(Ord. No. 257, 5-7-1984)

6.214. Nuisances Open Storage of Junk.

- (1) A person violates this section if as the owner, tenant, person in possession, or person in charge of or having the care of any real property, he deposits, stores, maintains or keeps on any real property within the City, outside a site obscuring enclosure, building or garbage receptacle, any of the following:
 - (a) Inoperable, unusable, partially dismantled automobiles, cars, trucks, trailers and other vehicular equipment or parts thereof in a state of disrepair for more than ten days as to any one automobile, car, truck, trailer or piece of vehicular equipment.
 - (b) Used or dismantled household appliances, furniture or parts thereof, or discards, garbage, debris, rubbish, junk, trash or refuse for more than five days.
 - (c) This section shall not apply to junk kept in a duly licensed junk yard or automobile wrecking business, or to a business offering new or used vehicles for sale or offering vehicle repair service, or to those materials reasonably necessary during a reasonable time period on construction sites except as limited by Section 6.218.

(Ord. No. 257, 5-7-1984)

6.215. Graffiti Nuisance Property.

- (1) Any property, building or structure within the city which becomes a graffiti nuisance property is in violation of this Chapter and is subject to ~~nuisance abatement~~corrective action procedures under WC ~~6230-6-250~~Chapter 1.
- (2) Any persons responsible for property who permit property under their control to become a graffiti nuisance shall be in violation of this Chapter and subject to its remedies. As used herein "permit" means to knowingly suffer, allow or acquiesce by any failure, refusal or neglect.

(3) Where graffiti is applied by an unemancipated minor, the parent, guardian or other person having the legal custody of the minor shall be liable for actual damages to person or persons in connection with the removal of graffiti or the costs and assessment for city abatement of the nuisance.

(4) Persons subject to subsections (1) and (2) above may, at any time, show good cause why the city should not pursue remedies there under such as serious illness or disability, extremely inclement weather that temporarily prevents removal of graffiti, or other extraordinary circumstances.

(Ord. No. 645, 4-7-2008)

6.216. Rubbish.

No person shall throw, dump or deposit upon public or private property an injurious or offensive substance or any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of the property, or would be likely to injure an animal, vehicle or person traveling on a public way.

(Ord. No. 257, 5-7-1984)

6.218. Nuisances Maintenance of Construction Sites.

(1) No lumber, debris, building materials, or any equipment other than work trucks or cars will be stored on the City street at any time during construction. Any drop boxes placed on the street for collection of debris should have reflectors on all sides so as not to constitute a safety hazard. Open ditches, trenches or other traffic hazards shall be marked with reflectors and barriers. Streets shall be cleaned by the end of the work week.

(Ord. No. 257, 5-7-1984)

6.220. Nuisances Noxious Vegetation.

(1) The owner, person in possession or agent of the owner of any lot, tract, or parcel, improved or unimproved, shall cut and remove, and keep cut and removed therefrom and from the half of the street or streets abutting the property, all weeds and other noxious vegetation, and all dead bushes, dead trees, stumps and anything likely to cause fire.

(2) Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation growth for food, fuel or ornament or for the production of food, fuel or ornament, providing that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.

6.221. Maintenance of Side Yards in Residential Areas.

(1) In addition to nuisances applicable generally to vegetation, junk, and rubbish in residential areas in Sections 6.208, 6.210, 6.216 and 6.220, side yards in residential areas shall be kept clear of overgrown vegetation, excessive rubbish or junk, and any other material that would substantially obstruct the pedestrian passage through the side yard to a rear yard or alley, where such passage is required or otherwise enabled by lack of fencing or provision of gates.

(Ord. No. 892, § 3(Exh. C), 12-2-2024)

6.222. Radio and Television Interference.

- (1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonable preventable interference with radio or television receptions; provided that the radio or television receiver interfered with is of good engineering design.
- (2) This Section does not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

(Ord. No. 257, 5-7-1984)

6.224. Notice and Advertisements.

- (1) No person shall attach or cause to be attached a placard, bill, advertisement or poster upon real or personal property, whether public or private, without first securing permission from the owner or person in control of the property. This Section shall not be construed as an amendment to or a repeal of any City regulation of the use and location of the signs.
- (2) This section does not prohibit the distribution of non-commercial material.

(Ord. No. 257, 5-7-1984)

6.226. Disruptive Activity.

If a business's owner, customers, employees or person in charge of property engages in a pattern of disruptive activity either on the business premises or within 400 feet of the business premises, then the business shall be deemed a public nuisance.

(Ord. No. 370, 6-4-1990)

6.228. General Nuisance.

- (1) In addition to those nuisances specifically enumerated and defined in Sections 6.200—6.226, every other thing, substance or act which is determined to be injurious or detrimental to the public health, safety or welfare, is declared to be a nuisance and may be abated by the non-exclusive remedies as provided in [Section 6.230 to 6.244, 6.250 and 6.260WC Chapter 1.](#)
- (2) The acts, conditions, or objects specifically enumerated and defined in Sections 6.200 to 6.228(1) are declared to be public nuisances and may be abated by the non-exclusive remedies provided in [Sections 6.230 to 6.244, 6.250, and 6.260WC Chapter 1.](#)
- (3) Nothing contained in Sections 6.200 to 6.228 shall be construed as permitting any activity otherwise prescribed or regulated by this Code or Ordinance or Resolution of the City.

(Ord. No. 370, 6-4-1990)

6.229. Enforcement.

The following individuals shall enforce this Ordinance: The City Manager or designee or Authorized Officer has primary responsibility for the enforcement of the nuisance regulations contained this Chapter. Nothing in this Ordinance shall prevent the City Manager or designee, or Authorized Officer from obtaining voluntary compliance by way of warning, notice or education. [Any violation of any provisions of this section shall be](#)

enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Each day of any violation constitutes a separate offense.

(Ord. No. 631, 8-6-2007)

~~6.230. Abatement Notice.~~

- ~~(1) Upon a determination by the Building Official that a nuisance defined by Sections 6.202 to 6.224 exists, or upon a determination by the council pursuant to Section 6.228(2) that a nuisance exists, the Building Official or Council shall cause a notice to be posted on the premises where the nuisance exists, directing the person responsible to abate the nuisance. Said notice shall be substantially in the following form:~~

~~NOTICE TO REMOVE NUISANCE~~

~~"To the owner, person responsible, and person in charge of the following described real property: _____, in the City of Wilsonville, Oregon: You are hereby notified to remove and abate the nuisance existing on the above described property within ten days from the date of this notice, which nuisance consists of: _____ or to show to the Wilsonville City Council that no nuisance exists under Sections 6.202 to 6.226 of the Wilsonville Code. In case of failure to remove said nuisance within said time, you will be subject to fine or imprisonment and the City of Wilsonville will cause the same to be abated and charge the cost thereof against the property herein described.~~

~~**DATED:** _____~~

~~_____
Building Official (Or Applicable City Employee)~~

- ~~(2) The Building Official shall also, at approximately the time of posting such notice, notify the City Recorder thereof, and the Recorder shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the person responsible, directed to the last known post office address of such person responsible, or if the post office address is unknown, then a copy of the notice shall be published one time in a newspaper published in the County where the real property described in the notice is located.~~
- ~~(3) The Building Official may delegate any City employee to post or mail or publish said notice. The person posting said notice and the person mailing or publishing the same shall forthwith file in the City Recorder's Office a certificate stating the date and place of such mailing, publishing and posting.~~
- ~~(4) If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.~~
- ~~(5) An error in the name or address of the owner or person responsible or the use of a name other than that of the true owner or person responsible shall not render void such notice, but in such case, the posted notice shall be deemed sufficient. A variance in the form of the notice set out in subparagraph (1) above shall not render the posted notice void, and said notice shall be deemed sufficient so long as the substance of said notice is as set forth in subparagraph (1) above.~~

(Ord. No. 257, 5-7-1984)

~~6.240. Abatement by Person Responsible.~~

- ~~(1) Within ten days after the latter of the posting and mailing or publishing of the notice as provided in Section 6.230, the person responsible shall remove the nuisance or show that no nuisance exists.~~

~~(2) — An owner or a person responsible, protesting that no nuisance exists, shall file in duplicate a written statement which shall specify the basis for protesting, and one copy thereof shall be filed with the Building Official and the other with the City Recorder.~~

~~(3) — The City Recorder shall refer the statement to the Council as a part of the Council's regular agenda at the next regular meeting, or as soon thereafter as possible. Notice of the time and place of the hearing shall be given to the person filing the statement not less than five days prior to the time set for hearing. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council, and the Council shall determine whether or not a nuisance in fact exists. The determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed.~~

~~(4) — If the Council determines that a nuisance does in fact exist, the person responsible shall, within ten days after Council determination, abate the nuisance.~~

~~(Ord. No. 257, 5-7-1984)~~

6.242. Abatement by City.

~~(1) — If, within the time allowed, the nuisance has not been abated by the owner or person responsible for abating a nuisance, or cause has not been shown, pursuant to Section 6.240 why such nuisance should not be removed and abated, the Building Official may cause the nuisance to be abated.~~

~~(2) — The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.~~

~~(3) — The Building Official shall keep an accurate record of the expenses incurred by the City in abating the nuisance, including any costs and materials, and an additional charge of 20 percent for administrative overhead. The Building Official shall, after complete of removal and abatement, file a statement of the costs thereof with the City Recorder.~~

~~(Ord. No. 257, 5-7-1984)~~

6.244. Abatement Assessment of Costs.

~~(1) — Upon receipt of such statement, the City Recorder, by registered or certified mail, postage prepaid, shall send to the owner and the person responsible a notice stating:~~

~~(a) — The total cost of abatement, including the administrative overhead and other costs and materials.~~

~~(b) — That the total cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.~~

~~(c) — That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Recorder not more than ten days from the date of the notice.~~

~~(2) — Upon the expiration of ten days after the date of the notice, the Council in the regular course of business shall hear and determine the objections to the costs to be assessed. Any objections filed pursuant to paragraph (1)(c) shall be heard and determined at such time.~~

~~(3) — If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the Council shall be made by ordinance and shall be entered in the docket of city liens. When the entry is made, the assessment shall constitute a lien upon the property from which the nuisance was removed or abated.~~

(4) ~~The lien shall be enforced and collected in the same manner as liens for street improvements, and shall bear interest at the rate of one percent per month. The interest shall begin to run from the date of the entry of the lien in the lien docket.~~

(5) ~~An error in the name of the owner or person responsible shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.~~

(Ord. No. 257, 5-7-1984)

6.250. Abatement Summary.

(1) ~~The procedures provided by Section 6.230 to 6.244 are not exclusive, and in addition to procedures provided by this and other ordinances, the City's Building Official, Fire Chief or any police officers of this City may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property, after determining that the summary abatement is the only adequate method of eliminating the danger.~~

(2) ~~When summary abatement is authorized, notice to the owner or person responsible prior to abatement is not required. Following summary abatement, the Building Official shall post upon the property liable for the abatement of the nuisance a notice describing the action taken to abate the nuisance.~~

(3) ~~"Summary abatement" as used in this chapter means abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair, or other acts necessary to abate the nuisance and without notice to the owner, agent, or occupant of the property, except for the notice required by this section.~~

(4) ~~When a pre-abatement hearing is not possible, an owner or person responsible may file a request for a post-abatement hearing, pursuant to Section 6.240.~~

(Ord. No. 257, 5-7-1984)

6.252. Citation.

(1) ~~Issuance of Citation and Penalties.~~

(a) ~~A person who violates sections 6.200—6.228 of this Chapter is guilty of a violation punishable upon conviction by a fine not exceeding \$1,000.00.~~

(b) ~~City Manager or designee may adopt a schedule of fines for violation of sections 6.200—6.228 of this Chapter.~~

(c) ~~Each day a violation continues shall constitute a separate violation.~~

(d) ~~The issuance of a citation or the imposition of a penalty does not relieve the person from the duty to abate a nuisance.~~

(2) ~~Response to Citations.~~

(a) ~~Upon receiving a citation for a violation of this Ordinance, the person(s) shall:~~

- ~~1. Within 20 days, deliver to the City of Wilsonville City Hall, the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation: Forfeiture may be made by mail but must be actually received by the City of Wilsonville City Hall within 20 days from the date of the citation; or~~

2. ~~Within 20 days, deliver to the City of Wilsonville City Hall the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation. The response may be made by mail, but must be actually received by City of Wilsonville City Hall within 20 days from the date of the citation;~~
3. ~~Upon receipt of a denial, the City shall inform the Municipal Court, who shall set a hearing within 30 days of the City receipt of the denial and bail, and shall notify the person(s) and any other person who reasonably appears to have an interest in the property; notification of the hearing date, time and place shall be mailed within 15 days of the City's receipt of the denial and bail, or if request for a hearing is waived, respond to the person whether the citation is valid or invalid.~~

~~(3) Failure to Comply with Citation.~~

- ~~(a) Failure to perform any part of 6.252(2), including failure to respond within 20 days, shall be presumed an admission of the violation(s) cited, and the fine(s) shall be doubled.~~
- ~~(b) Failure to perform any part of 6.252(2), including failure to respond within 20 days, may result in the municipal court clerk sending to the person or owner of the property, where the noise violation occurred, a letter informing the owner of the violation and commanding the owner to appear in court at a fixed time and a specified place to show cause why the penalty was not paid or to pay the penalty plus increased amount by a fixed time and at a specific place, and warning him or her that in the event that the letter is disregarded for a period of ten days, a warrant for the arrest of the owner may be issued.~~

~~(4) Hearing.~~

- ~~(a) The hearing shall afford a reasonable opportunity for the person(s) requesting it to present evidence that the citation was invalid or unjustified.~~
- ~~(b) The decision of the Municipal Judge is final.~~

~~(Ord. No. 631, 8-6-2007)~~

6.260. Violation Civil.

- ~~(1) The abatement procedures provided in other sections of this Code or any other ordinance of the City are not exclusive remedies of the City in order to abate a nuisance. The City Council may authorize the City Attorney or District Attorney to institute and prosecute on behalf of the City and in its name an appropriate suit in a state court of this state to enjoin and abate the creation, maintenance or continuance of any nuisance as defined by Sections 6.202 to 6.228, resolution of the City Council; and for the recovery of the City's costs of suit and the City's reasonable attorneys fee as may be allowed by the trial court and an appellate court on appeal.~~
- ~~(2) Any person injured by a business operating in violation of Section 6.226 may institute civil proceedings in circuit court to enjoin or abate the nuisance and to recover damages, if any, caused by the pattern of disruptive activities. Such person need not have suffered a unique injury in order to seek injunctive or monetary relief. If a final decree or judgment is entered in favor of such person, that person shall be entitled to recover all attorney fees and costs reasonably incurred.~~
- ~~(3) On proof by a preponderance of the evidence that a business is operating in violation of Section 6.226 or is highly likely to do so and after entry of specific findings that the business as operated or is highly likely to operate in violation of Section 6.226, the judgments, including but not limited to:~~

~~(a) — Enjoining and abating the nuisance. The order of abatement may direct the effectual closing of the business, business premises, building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released.~~

~~(b) — Awarding plaintiffs suing pursuant to subsection (2), all damages resulting from the operation of a business in violation of Section 6.226, together with costs and attorney fees reasonably incurred.~~

~~(Ord. No. 370, 6-4-1990)~~

6.391. Enforcement.

- (1) *Violations.* ~~Any person who closes~~Closure of a mobile home park without a permit, ~~who fails failure~~ to comply with the requirements of this chapter or the conditions of the permit, or ~~who willfully makes making~~ an untrue or misleading statement of material fact or ~~willfully omits omitting~~ to provide required information in the process of application or whose actions, through the raising of rent or otherwise, ~~objectively manifests a intentintention~~ or effort to avoid the requirements to this Chapter, shall be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. guilty of a violation. Notwithstanding any other provision of this Code, the penalty for any such violation shall be \$1,000.00. Each day of non-compliance shall constitute a separate violation.
- (2) *Private Right of Action.* Except with respect to relief granted by the City Council under the provisions of 6.380 or 6.340(1)(C) any tenant of a mobile home park, or any owner of a mobile home in a park subject to closure shall have a right of action in a court of competent jurisdiction for such equitable and legal remedies as the court may grant, and shall be entitled to recover reasonable attorney fees, expenses, costs and other disbursements reasonably incurred.
- (3) *Cumulative Remedies.* The foregoing is in addition to any other remedies that may exist at law or in equity.

6.550. Violation of the Film Permit or Film Permit Process.

If any Person violates any provisions of WC 6.500-6.545 or a Film and Media Permit issued pursuant hereto, the City may provide the Person with a verbal or written notice of such violation. If the Person fails to correct the violation within the time period specified by the City, the City may revoke the Film and Media Permit (if one was obtained), and all filming activities must immediately cease and desist. If the violation is egregious and represents an immediate threat to health or safety, in the City Manager's sole discretion, the Permit may be immediately revoked and all filming activities must immediately cease and desist. Any filming that requires a Film and Media Permit that is done without a Film and Media Permit is a violation of the City of Wilsonville Code Any violation of any provisions of this section shall be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Each day of any violation constitutes a separate offense and is subject to citation into the City's municipal court, subject to the penalty of a fine of not less than \$100.00 and not more than \$10,000.00 per day and for each succeeding day of a continuing violation. In assessing the fine, the Municipal Court shall consider the gravity of the violation, the sophistication of the person for whom the film and media permit should have been issued in obtaining film and media permits, and the net worth of such a person. The City shall also be entitled to request immediate injunctive relief and/or specific performance of the Film and Media Permit requirements.

6.610. Violation.

The City may ~~prosecute~~ enforce a violation of this Section pursuant to Chapter 1 of the Wilsonville Municipal Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City, ~~or it may pursue any other remedies available to it,~~ including but not limited to an action seeking declaratory relief and/or injunctive relief.

6.615. Remedies.

The establishment, maintenance, or operation of a marijuana facility by a person, business, or any other entity within the City in violation of the requirements of this Section will be subject to any and all enforcement remedies available to the City under law and/or the Wilsonville Municipal Code. ~~Any violation first offense will be enforced as a violation of Wilsonville Municipal Code pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.-013, with a fine not to exceed \$500. Thereafter, any further violation may be enforced as a misdemeanor pursuant to Chapter 1.014 of the Wilsonville Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.~~

History

Sections 6.000 - 6.020 Amended by Ord. No. 646, 4-21-2008

Sections 6.100 - 6.175 Repealed/Replaced by Ord. No. 701, 1-19-2012

Section 6.200 Amended by Ord. No. 631, 8-6-2007

Section 6.200 Amended by Ord. No. 645, 4-7-2008

Section 6.204 Amended by Ord. No. 631, 8-6-2007

Section 6.204(3)(f) Repealed/Replaced by Ord. No. 714, 4-1-2013

Section 6.215 Added by Ord. No. 645, 4-7-2008

Section 6.229 Added by Ord. No. 631, 8-6-2007

Section 6.252 Added by Ord. No. 631, 8-6-2007

Sections 6.300 - 6.400 Added by Ord. No. 600, 10-17-2005

Sections 6.300 - 6.400 Repealed by Ord. No. 634, 6-27-2007

Sections 6.301 - 6.401 Added by Ord. No. 634, 6-27-2007

Section 6.400 Added by Ord. No. 716, 4-15-2013

Section 6.500 Added by Ord. No. 723, 10-7-2013

Section 6.600 Added by Ord. No. 778, 1-4-2016

7.080. Penalty.

- (1) Any ~~person who violates~~violation of any of the provisions of WC 7.010, 7.020, 7.030, and 7.040 or any determination issued upon an appeal to the License Review Officer or any revocation by the Finance Director shall be ~~punished for a violation enforced~~ pursuant to WC Chapter 1, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City 1.012, ~~and upon second conviction shall be punished for a Class C Misdemeanor pursuant to WC 1.011.~~
- (2) The provisions of WC 7.050(1) are not intended to be exclusive, and the City by and through the City Attorney may seek any and all other forms of relief, including, but not limited to, injunctive or declaratory relief.

(Ord. No. 495, 1-6-1998)

7.280. Violations.

Any violation of, or noncompliance with, the requirement(s) in Section 7.200 through 7.270, including, but not limited to, operator or other person who shall failure or refusale to register as required herein, or who ~~shall~~ failure or refusale to furnish any return, supplemental return or other data required herein or by the tax administrator, or, ~~with intent to defeat or evade the determination of any amount due hereunder, shall~~ makinge, rendering, signing or verifying any false or fraudulent report, ~~commits an offense which constitutes a violation of Section 7.210 to 7.276, will be enforced~~punishable upon conviction as a violation pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. ~~Section I.012.~~

(Ord. No. 253, 2-21-1984)

7.370. Penalty.

- (1) The ~~conviction of any person for enforcement of~~ violation of any provision of Sections 7.300 to 7.360 shall not operate to relieve such person from paying any license fee required to be paid, or any penalty thereon; nor shall the payment of any such fee be a bar to or prevent any ~~enforcement of prosecution in the Municipal Court of any complaint for~~ the violation of any of the provisions of this Code.
- (2) Any ~~violation person violating any~~ of the provisions of Section 7.300 to 7.360 shall, ~~upon a first conviction thereof, be enforced punished for a violation pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Section I.012, and upon a subsequent conviction thereof, be punished for a Class C Misdemeanor, pursuant to Section I.011.~~
- (3) Any business operating without a business license, will be subject to the enforcement procedures specified in Chapter 1 of the Wilsonville Code. The City may pursue an action ~~by the City~~ in Circuit Court to immediately seek injunctive relief to enjoin operation of said business. This remedy is nonexclusive and is in addition to all other remedies available at law and in equity for such violation.

(Ord. No. 253, 2-21-1984; Ord. No. 734, 2-3-2014)

7.446. False Information, Failure to File, Penalty.

No person, firm, corporation or association required by this ordinance to file any return or report shall fail to file such return or report. No person, firm, corporation or association shall knowingly furnish any false information to the City as all or part of any information furnished under any provision of this ordinance. The furnishing of such false information shall constitute a violation of this section even if the person furnishing the false information could not have profited or saved money by the deception. If any individual officer, employee or owner of any firm, corporation or association knowingly furnishes such false information, such individual shall also be subject to the penalty set out in this section. The penalty set out in this section shall be in addition to any interest, late charge or other civil penalty provided by ordinance. Any ~~person, firm, corporation or association committing any~~ violation 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~~ be enforced pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. A separate ~~offense-violation~~ shall be deemed committed with the filing of each false document.

(Ord. No. 340, 12-19-1988)

7.550. Violations~~s~~ Infractions.

- (1) All violations of Sections 7.510 and 7.520 are ~~punishable-enforced~~ as set forth in Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City.~~City Code Section 1.013~~. It is a violation of Sections 7.510 and 7.520 for any Seller or other Person to:
 - (a) Fail or refuse to comply as required herein;
 - (b) Fail or refuse to furnish any return required to be made;
 - (c) Fail or refuse to permit inspection of records;
 - (d) Fail or refuse to furnish a supplemental return or other data required by the Director;
 - (e) Render a false or fraudulent return or claim; or
 - (f) Fail, refuse, or neglect to remit the Tax to the City by the due date.
- (2) The remedies provided by Sections 7.525, 7.545, and 7.550(1) are not exclusive and do not prevent the City from exercising any other remedy available under the law.
- (3) The remedies provided by this Section do not prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

8.111. Penalties.

A ~~Person convicted of a~~ violation of any provisions of Sections 8.100 to 8.110 shall be ~~punished~~ enforced upon a first conviction thereof for a violation pursuant to Chapter 1 of this Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. ~~Section 1.6012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011.~~ Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

10.760 Enforcement.

- (1) Violation of any regulations stated in WC 10.720, 10.730, or 10.740 constitutes a violation of the Wilsonville Code and is subject to enforcement procedures ~~fine(s) as~~ contemplated in WC Chapter 1, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Every day in which such violations occur constitutes a separate violation.
- (2) A person authorized to issue a citation for unlawful camping may not issue the citation if the citation would be issued within 200 feet of a notice required under WC 10.750 and within two hours before or after the notice was posted.
- (3) The City may adopt administrative rules via resolution to support and guide the implementation of and compliance with WC 10.700 through 10.780.

(Ord. No. 879, § 3(Exh. A), 5-15-2023, eff. 7-1-2023)

10.860 Enforcement of Parking Rules.

Parking Rules ~~may~~will be enforced in the manner prescribed in Chapter 1 of the Wilsonville Code, in addition to, and not in lieu of, other federal, state, and local laws and regulations available to the City. Each day of any violation constitutes a separate offense.

(Ord. No. 881, § 2(Exh. A), 10-2-2023)