

City of Grants Pass Municipal Code



Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Initiative and Referendum
- 1.12 Ward Boundaries
- 1.16 Funds
- 1.20 General Obligation Improvement Warrants
- 1.24 Deposits and Accounts
- 1.28 Disposition of Lost or Stolen Property
- 1.32 Elections
- 1.36 Violation—Penalty

City of Grants Pass Municipal Code



Chapter 1.01

CODE ADOPTION

Sections:

| | |
|----------|--|
| 1.01.010 | Adoption |
| 1.01.020 | Title--Citation--Reference |
| 1.01.030 | Contents |
| 1.01.040 | Adopting and Numbering Ordinances |
| 1.01.050 | Reference Applies to All Amendments |
| 1.01.060 | Title, Chapter, and Section Headings |
| 1.01.070 | Reference to Specific Ordinances |
| 1.01.080 | Effect of Code on Past Actions and Obligations |
| 1.01.090 | Effective Date |
| 1.01.100 | Savings Clause |
| 1.01.110 | Emergency Clause |

City of Grants Pass Municipal Code



1.01.010 Adoption

There is adopted the Grants Pass Municipal Code as published by the City of Grants Pass, Oregon.

1.01.020 Title--Citation--Reference

This Code shall be known as the Grants Pass Municipal Code and it shall be sufficient to refer to said Code as the Grants Pass Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Grants Pass Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Grants Pass Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in that Code.

1.01.030 Contents

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Grants Pass, Oregon.

1.01.040 Adopting and Numbering Ordinances

The City of Grants Pass Municipal Code is hereby adopted as Ordinance No. All sections and subsections which are amended after January 2, 2002 shall specify the amending Ordinance No. and year, with each year beginning with 001.

1.01.050 Reference Applies to All Amendments

Whenever a reference is made to this Code as the Grants Pass Municipal Code or to any portion thereof, or to any ordinance of the City of Grants Pass, Oregon, the reference shall apply to all amendments, corrections, and additions hereafter made.

1.01.060 Title, Chapter, and Section Headings

Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

1.01.070 Reference to Specific Ordinances

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.



1.01.080 Effect of Code on Past Actions and Obligations

Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.090 Effective Date

This Code shall become effective on January 2, 2002. All subsequent ordinances shall be effective 30 days from date of adoption unless adopted pursuant to an emergency clause.

1.01.100 Savings Clause

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

1.01.110 Emergency Clause

Legislation necessary for the immediate preservation of peace, health, safety or general welfare of the City and the inhabitants thereof, shall be effective upon adoption (or upon a specified date less than 30 days) when said legislation sets forth the reasons therefore and is adopted by not less than b of the quorum of Councilors present.

City of Grants Pass Municipal Code



Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions
- 1.04.030 Interpretation of Language
- 1.04.040 Grammatical Interpretation
- 1.04.050 Acts by Agents or Designees
- 1.04.060 Prohibited Acts Include Causing and Permitting
- 1.04.070 Computation of Time
- 1.04.080 Construction
- 1.04.090 Repeal Shall not Revive any Ordinances



1.04.010 Definitions

The following words and phrases, whenever used in this Code or the ordinances of the City, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Administrative Services Director" shall include but is not limited to the positions of Finance Director, Treasurer, and Records Clerk.
- B. "City" and "Town" each mean the City of Grants Pass, Oregon, or the area within the territorial limits of the City of Grants Pass, Oregon, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- C. "Council" means the City Council of Grants Pass. "All its members" or "all Councilors" means the total number of Councilors holding office.
- D. "County" means the County of Josephine.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the state, the ordinances of the City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means a calendar month.
- H. "Must" and "Shall" are each mandatory.
- I. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- J. "Owner" applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- K. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

City of Grants Pass Municipal Code



- L. "Personal Property" includes money, goods, chattels, things in action and evidences of debt.
- M. "Preceding" and "Following" mean next before and next after, respectively.
- N. "Property" includes real and personal property.
- O. "Real Property" includes lands, tenements and hereditaments.
- P. "Sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.
- Q. "State" means the State of Oregon.
- R. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- S. "Tenant" and "Occupant" applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- T. "Written" includes printed, typewritten, copied, or computer information saved to disk or otherwise reproduced in permanent visible form.
- U. "Year" means a calendar year.

1.04.030 Interpretation of Language

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.040 Grammatical Interpretation

The following grammatical rules shall apply in the ordinances of the City unless it is apparent from the context that a different construction is intended:

- A. Gender. The masculine includes the feminine.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

City of Grants Pass Municipal Code



- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.04.050 Acts by Agents or Designees

When an act is required by an ordinance, the same being such that it may be done as well by an agent or designee as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent or designee.

1.04.060 Prohibited Acts Include Causing and Permitting

Whenever in this Code or the ordinances of the City, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 Computation of Time

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.080 Construction

The provisions of the ordinances of the City, and all proceedings under them are to be construed with a view to affect their objects and to promote justice.

1.04.090 Repeal Shall not Revive any Ordinances

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

City of Grants Pass Municipal Code



Chapter 1.08

INITIATIVE AND REFERENDUM*

Sections:

- 1.08.010 Definitions
- 1.08.020 Charter Amendment Procedures
- 1.08.030 Submitting Prospective Petition
- 1.08.040 Preparation of Ballot Title
- 1.08.050 Council May Prepare Ballot Titles for Certain Measures
- 1.08.060 Procedure for Persons Dissatisfied With a Ballot Title
- 1.08.070 Form of Petition--Cover Sheet--Signature Sheets
- 1.08.080 Referendum Filing Requirements
- 1.08.090 Effective Date of Legislation
- 1.08.110 Initiative Filing Requirements
- 1.08.120 Filing Officer--Filing Requirements
- 1.08.130 Procedure Following Filing of Initiative Petition
- 1.08.140 Referendum Petition
- 1.08.150 Numbering City Measures
- 1.08.160 Retention of Petition Materials
- 1.08.170 Conduct of Elections
- 1.08.180 Post Election Procedures
- 1.08.190 Unlawful Signing of Petitions

City of Grants Pass Municipal Code



1.08.010 Definitions

As used in this Chapter:

- A. "Council" means the Grants Pass City Council.
- B. "County Clerk" means the Josephine County Clerk or the Josephine County official in charge of elections.
- C. "Elector" means an individual qualified to vote under Section 2, Article II, Oregon Constitution.
- D. "Measure" means any proposed law, ordinance or part of an ordinance of the City, revision of or amendment to the Municipal Charter of the City, or other municipal legislation, propositions or questions submitted to the people for their approval or rejection at an election.
- E. "Petition" means the approved document circulated and filed, by the petitioner, calling for an initiative, referendum or charter amendment election.
- F. "Prospective Petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

1.08.020 Charter Amendment Procedures

Charter amendment procedures shall be identical with initiative petition procedures.

1.08.030 Submitting Prospective Petition

Before circulating a petition to initiate or refer any measure, the petitioner shall file with the City Recorder a prospective petition in a form adopted by resolution of the Council. The City Recorder shall immediately date and time-stamp the prospective petition. The City Recorder shall retain the prospective petition. (Ord. 13-5587 §4, 2013).

1.08.040 Preparation of Ballot Title

- A. When a prospective petition for a measure to be referred is filed with the City Recorder, the City Recorder shall authorize circulation of the referendum petition, in the form adopted by resolution of the Council, which will contain the title of the measure as enacted by the Council, or, if there is no such title, the title supplied by the petitioner filing the prospective petition. The City Recorder shall also provide the referendum petitioner

City of Grants Pass Municipal Code



with a cover sheet form and signature sheet form pursuant to subsections B and C of Section 1.08.070. The City Recorder shall immediately send 2 copies of the prospective petition to the City Attorney. (Ord. 13-5587 §4, 2013).

- B. When a prospective petition for a measure to be initiated is filed with the City Recorder, the City Recorder shall immediately send two copies of it to the City Attorney. The initiative petitioner shall not be authorized to circulate the initiative petition until authorized to so proceed pursuant to subsection A of Section 1.08.070. (Ord. 13-5587 §4, 2013).
- C. No later than the 5th day after receiving copies of the prospective petition, the City Attorney shall provide a ballot title, prepared pursuant to Oregon law, for the measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the City Recorder. In addition, the City Attorney shall send a copy of the ballot title to the Council. Unless the Circuit Court certifies a different title, as specified in Section 1.08.060, this ballot title shall be the title printed on the ballot. (Ord. 13-5587 §4, 2013).
- D. Upon receiving the ballot title from the City Attorney, the City Recorder shall furnish a copy of the ballot title to the chief petitioner. (Ord. 13-5587 §4, 2013).

1.08.050 Council may Prepare Ballot Titles for Certain Measures

When the Council refers a measure to the people, a ballot title for the measure may be prepared by the Council. Such ballot title shall then be filed with the City Recorder. (Ord. 13-5587 §4, 2013).

1.08.060 Procedure for Persons Dissatisfied with a Ballot Title

- A. Any person dissatisfied with a ballot title filed with the City Recorder, by the City Attorney or Council, may petition the Circuit Court, in Josephine County, seeking a different title and stating the reasons the title filed with the City Recorder is insufficient or unfair. The Circuit Court petition must be filed not later than the 7th business day after the ballot title is filed with the City Recorder. The Circuit Court shall review the ballot title and measure to be initiated or referred, hear arguments, if any, and certify to the City Recorder the ballot title for the measure in question. (Ord. 5346 §15, 2006) (Ord. 13-5587 §4, 2013).
- B. Such ballot title review by the Circuit Court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition and conduct of the election at which the measure is to be submitted to the voters.



1.08.070 Form of Petition--Cover Sheet--Signature Sheets

- A. Upon receiving the ballot title from the City Attorney, Council, or Circuit Court, the City Recorder shall provide the petitioner with an initiative petition, in the form adopted by resolution of the Council, and the initiative petitioner will then be authorized to circulate the initiative petition. (Ord. 13-5587 §4, 2013).
- B. The City Recorder shall also provide initiative and referendum petitioners with a cover sheet, in a form adopted by resolution of the Council. (Ord. 13-5587 §4, 2013).
- C. Petitioners may then proceed to secure signatures on the signature sheets with such signature sheets being in a form adopted by resolution of the Council. During circulation of the signature sheets and upon filing of the petition with the signature sheets, each signature sheet must be attached to a cover sheet and a full and correct copy of the measure to be initiated or referred. Signature sheets shall contain not more than 20 signatures per sheet, and signatures in excess of 20 per sheet shall not be counted.
- D. Each signature sheet shall be verified on its face by the signed statement of the circulator indicating:
 - 1. The individuals have signed the sheet in the presence of the circulator.
 - 2. The circulator believes each individual is an elector registered in the City.
 - 3. A full and correct copy of the measure and a cover sheet was attached to the signature sheet at the time each individual signed the signature sheet.

1.08.080 Referendum Filing Requirements

A petition to refer a measure must be signed by electors, registered in the City, in a number not less than 10 percent of the total number of votes cast for the office of Mayor at the last mayoral election. The petition must be filed with the City Recorder not later than 30 days after the adoption of the legislation sought to be referred. (Ord. 13-5587 §4, 2013).

1.08.090 Effective Date of Legislation

Upon a referendum petition being filed in a timely fashion, such petition shall have the effect of suspending the operation of the legislation in question until the matter has been

City of Grants Pass Municipal Code



submitted to the people and their verdict has been determined and proclaimed.

1.08.110 Initiative Filing Requirements

A petition to initiate a measure must be signed by electors, registered in the City, in a number not less than 15 percent of the total number of votes passed for the office of Mayor at the last mayoral election.

1.08.120 Filing Officer--Filing Requirements

- A. An initiative or referendum petition shall be filed with the City Recorder for signature verification by the County Clerk. (Ord. 13-5587 §4, 2013).
- B. An initiative or referendum petition shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

1.08.130 Procedure Following Filing of Initiative Petition

If an initiative petition contains the required number of verified signatures, the City Recorder shall file the initiated measure with the Council at its next meeting. The Council, not later than 30 days after the measure is filed with the Council, the Council shall adopt or reject the measure. If the measure is not adopted, it shall be submitted to the voters on the next election date available under Oregon law. The Council may refer a competing measure to the City voters at the same election at which the initiated measure is submitted. If the Council refers a competing measure to the City voters, it must prepare the measure not later than 30 days after the initiated measure is filed with the Council. The Mayor shall not have the power to veto an initiated measure or a competing measure. (Ord. 13-5587 §4, 2013).

1.08.140 Referendum Petition

If a referendum petition contains the required number of verified signatures, the City Recorder shall file the referendum measure with the Council at its next meeting. The Council, not later than 30 days after the measure is filed with the Council, shall adopt or reject the measure. If the measure is not adopted, it shall be submitted to the City voters on the next election date available under Oregon law. (Ord. 13-5587 §4, 2013).

1.08.150 Numbering City Measures

The City Recorder shall number City measures consecutively, beginning with the number of 51, in the order in which the measures are filed with the City Recorder to be printed on the ballot. (Ord. 13-5587 §4, 2013)

1.08.160 Retention of Petition Materials



The City Recorder shall retain the petition, cover sheets and signature sheets along with a copy of the measure in question. If the measure is approved by the voters, a copy of the measure shall be preserved as a permanent record, and the signature sheets shall be preserved for 6 years. (Ord. 13-5587 §4, 2013).

1.08.170 Conduct of Elections

Any election held by virtue of this Chapter shall be conducted by the County Clerk and shall be scheduled and conducted so as to conform to Oregon law.

1.08.180 Post Election Procedures

It shall be the duty of the Mayor, within 15 days of the election date, the Mayor shall issue his proclamation giving the number of votes cast for and against each measure and declaring such measures as are approved by the majority of those voting thereon to be in full force and effect from the date of such proclamation. The proclamation shall be published at least once in a newspaper of general circulation in the City and shall also be filed with the measure so approved.

1.08.190 Unlawful Signing of Petitions

Any person who is a qualified elector of the State and the City may sign a petition for a City initiative or referendum. It is unlawful for any person who is not a qualified elector to sign any such petition. It is unlawful for any person to sign any name other than his own to any such petition or knowingly to sign his name more than once to the same petition for any measure to be submitted at the same election. It is unlawful for any person to procure signatures to any petition by fraud or misrepresentation or falsely to make any affidavit, certification or written statement required by this Chapter.

City of Grants Pass Municipal Code



Chapter 1.12

WARD BOUNDARIES

Sections:

- 1.12.010 Boundaries Designated
- 1.12.020 Boundary Extension Upon Territorial Annexation

1.12.010 Boundaries Designated (Ord. 13-5588 §4, 2013).

For purposes of representation and election the City is divided into 4 Wards, which are designated and bounded as follows:

- A. Ward No. 1 shall consist of all that portion of the City lying west of the centerline of 6th Street and Scoville Road and lying north of the following:
 - 1. To the east of the centerline of Lincoln Road: lying north of the centerline of Bridge Street and M Street.
 - 2. To the west of the centerline of Lincoln Road: lying north of the north line of the south half of the south half of Section 13, Township 36 South, Range 6 West, W.M. (approximately 660 feet north of the centerline of Bridge Street), extended west to the Rogue River, and lying north of the Rogue River west of that point.
- B. Ward No. 2 shall consist of all that portion of the City lying east of the centerline of 6th Street and Scoville Road, and lying north of the Rogue River.
- C. Ward No. 3 shall consist of all that portion of the City lying south of the following:
 - 1. To the east of the centerline of 6th Street extended south from the Rogue River: lying south of the Rogue River.
 - 2. To the west of the centerline of 6th Street extended south from the Rogue River: lying south of the centerline of Highway 199.
- D. Ward No. 4 shall consist of all that portion of the City lying west of the centerline of 6th Street, lying north of the centerline of Highway 199 and lying south of the following:
 - 1. To the east of the centerline of Lincoln Road: lying south of the centerline of Bridge Street and M Street.

City of Grants Pass Municipal Code



2. To the west of the centerline of Lincoln Road: lying south of the north line of the south half of the south half of Section 13, Township 36 south, Range 6 West, W.M. (approximately 660 feet north of the centerline of Bridge Street), extended west to the Rogue River, and lying south of the Rogue River west of that point.

1.12.020 Boundary Extension Upon Territorial Annexation

As additional territories are annexed to the City, they shall be added to and become a part of the particular Ward in which each territory lies, as above bounded and described and the boundaries of the Wards shall be enlarged to include such annexed territories.

City of Grants Pass Municipal Code



Chapter 1.16

FUNDS

Sections:

1.16.010 Funds Established

1.16.010 Funds Established

The following funds are hereby established for the City of Grants Pass, a Municipal Corporation of the State of Oregon.

- a. General Fund
- b. Downtown Development Fund
- c. Transient Room Tax Fund
- d. State Gas Tax Fund
- e. Federal Revenue Sharing Fund
- f. Community Development Block Grant Fund
- g. Housing and Urban Development Fund
- h. Special Tax Levy Fund
- i. General Obligation Bond Fund
- j. Revenue Bond Fund
- k. Bancroft Bond Fund
- l. Special Assessment Fund
- m. Access Projects Fund
- n. Sanitary Sewer Projects Fund
- o. Water Projects Fund
- p. Drainage Construction Fund
- q. Lands and Buildings Projects Fund
- r. Water Fund
- s. Sewer Fund
- t. Fleet Operations Fund
- u. Administrative Services Fund
- v. Support Services Fund
- w. Insurance Fund
- x. Trust Fund
- x. Support Services Fund
- y. Grants Pass Parkway Redevelopment Agency Fund
- z. Parks Acquisition Fund

City of Grants Pass Municipal Code



Chapter 1.20

GENERAL OBLIGATION IMPROVEMENT WARRANTS

Sections:

- 1.20.010 Issuance Pursuant to State Law
- 1.20.020 Maximum Legal Interest Rate
- 1.20.030 Preparation of Warrants

1.20.010 Issuance Pursuant to State Law

The City shall issue general obligation improvement warrants pursuant to, and under the terms and conditions of, Oregon Revised Statutes 287.502 through 287.510.

1.20.020 Maximum Legal Interest Rate

General obligation improvement warrants issued by the City shall not exceed the maximum legal interest rate if any, and shall bear interest not to exceed the lowest interest rate available from banking institutions located within the City.

1.20.030 Preparation of Warrants

The Council, by resolution or ordinance, shall authorize the issuance of general obligation improvement warrants. Upon receiving such authorization, the Administration Services Director shall prepare the warrants for the signature of the City Manager, and the City Manager's signature shall be attested to on the face of the warrant by the Director.

City of Grants Pass Municipal Code



Chapter 1.24

DEPOSITS AND ACCOUNTS

Sections:

- 1.24.010 Collection and Deposit of City Revenue
- 1.24.020 Commingling of City and Personal Accounts Prohibited

1.24.010 Collection and Deposit of City Revenue

Every employee or agent of the City who receives or collects monies for the City from any person, firm, company or corporation shall immediately pay the same to the Administrative Services Department, which shall deposit said monies in the appropriate fund or account.

1.24.020 Commingling of City and Personal Accounts Prohibited

Employees and agents of the City collecting or receiving any monies for the City shall not co-mingle said monies with other accounts.

City of Grants Pass Municipal Code



Chapter 1.28

DISPOSITION OF LOST OR STOLEN PROPERTY

Sections:

- 1.28.010 Impoundment of Abandoned Motor Vehicles or Property
- 1.28.020 Ownership Inquiry
- 1.28.030 Notification of State and Owner
- 1.28.040 Notice of Auction or Transfer
- 1.28.050 Restitution to Owner
- 1.28.060 Sale of Unclaimed Motor Vehicle or Other Personal Property
- 1.28.070 Delivery of Bill of Sale
- 1.28.080 Deposit of proceeds in General Fund



1.28.010 Impoundment of Abandoned Motor Vehicles or Property

It is the duty of the Public Safety Department of the City, whenever a motor vehicle or other personal property shall be found abandoned upon the streets of the City, or be found without an owner claiming the same, or shall, by reason of arrest or in any other manner, come into the hands of the Public Safety Department without a claimant, either to place the same upon the City warehouse grounds for further disposition, or store the same with some reputable motor vehicle storage yard, garage or other storage place pending investigation into the ownership of the personal property.

1.28.020 Ownership Inquiry

The officers of the Public Safety Department upon finding such vehicle or personal property or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee or any other person interested therein and shall examine the motor vehicle or other personal property for license number, motor number, serial number, make and style, and for any other information which will aid in the identification of such motor vehicle or personal property and in the identification of the owner, conditional vendor, mortgagee or other interested person.

1.28.030 Notification of State and Owner

- A. If the personal property be a motor vehicle, the Public Safety Department shall, after having acquired all the information reasonable available, immediately transmit the same to the secretary of state with an inquiry for the name and address of the owner, conditional vendor, mortgagee or other person interested.
- B. If the owner, conditional vendor, mortgagee or other person interested in the property be found and identified, he shall be immediately notified by registered letter that the personal property is held by the Public Safety Department of the City and may be sold at public auction at the City warehouse grounds, or other place where the property may be stored, on a day certain at 10:00 a.m. of such day, to the highest and best bidder for cash, which sale shall not be held until 10 days have elapsed following the mailing of such notice to the owner by registered mail or the delivery thereof to him in person.



1.28.040 Notice of Auction or Transfer

If the owner, conditional vendor, mortgagee or other person interested in the personal property cannot be found after due diligence as set out in Section 1.28.030, the Public Safety Director shall cause to be published in a newspaper published in the City, a notice embodying the foregoing information, or publish a "notice of finding" with similar information, either of which shall be published 4 times, the first publication of which shall be made more than 10 days before such proposed sale. Such published notice shall be given, as well when personal notice has been given to the owner, conditional vendor, mortgagee or other person interested, as provided in Section 1.28.030.

1.28.050 Restitution to Owner

If the owner, conditional vendor, mortgagee or other interested person shall apply to the Public Safety Director before a sale shall have taken place, for the return of the motor vehicle or personal property, and shall submit through the Director satisfactory evidence of his interest therein, and shall tender with the application the costs in the seizing, keeping, and making sale of the motor vehicle or personal property, the Director upon being satisfied that the claim is rightful, shall surrender the same to the claimant.

If the Public Safety Director has published a notice of finding, in accordance with the provisions of this Chapter, then upon approval of the City Manager, the property shall be transferred to public use by entering it on the City's fixed asset inventory, after being held for 6 months.

1.28.060 Sale of Unclaimed Motor Vehicle or Other Personal Property

If no claim shall have been made before the time set for the sale of the motor vehicle or other personal property, the Public Safety Director shall, on the City warehouse grounds or other place where the property is stored, at the time appointed, within view of the motor vehicle or other personal property to be sold, offer the same for sale, and shall sell the property to the highest and best bidder for cash, and in default of bids from others for a greater sum, shall bid the same for the City at the amount of its costs incurred in the seizing, keeping and offering for sale of the property.

1.28.070 Delivery of Bill of Sale

Upon such sale being consummated the Public Safety Director shall make, execute and deliver upon behalf of and in the name of the City, a bill of sale signed by himself as Public Safety Director of the City, conveying the vehicle to the purchaser, and coincidentally therewith shall deliver possession of such motor vehicle to the purchaser.

1.28.080 Deposit of Proceeds in General Fund

Such sale and conveyance shall be without redemption and the proceeds thereof shall go into the general fund of the City.

City of Grants Pass Municipal Code



Chapter 1.32

ELECTIONS

Sections:

- 1.32.010 Nominations
- 1.32.020 Fee for Declaration of Candidacy
- 1.32.030 Election Procedure
- 1.32.040 Administrative Authority

City of Grants Pass Municipal Code



1.32.010 Nominations

Individual nominating petitions and any declaration of candidacy, for the office of Mayor or Councilor, shall be prepared pursuant to the City Charter and filed with the City Recorder no sooner than May 15 in any even numbered year and not later than 5 days prior to the date on which the City Recorder is required to certify candidates and measures to the County Clerk for general election, which certification shall be made not later than 70 days before the date of the general election. (Ord. 13-5587 §4, 2013).

1.32.020 Fee for Declaration of Candidacy

Any declaration of candidacy submitted to the City Recorder shall be accompanied by a fee of 10 dollars. No fee shall accompany any nominating petition. (Ord. 13-5587 §4, 2013).

1.32.030 Election Procedure

The manner of election and preparing the general election ballot shall be the same as the state provisions now or hereafter in effect for the nonpartisan election of district attorneys, subject to the following modifications:

- A. Candidates for the office of Mayor and Councilor shall be only elected at a general biennial election, and no primary election shall be held pertaining to any said office. Due to the foregoing, the provisions of ORS 252.610 through 252.670 as now written or hereafter amended and which pertain to a primary election for the election of district attorney shall not apply to the election of Mayor and Councilor.
- B. In any nominating petition or declaration of candidacy, no reference shall be made to any political party, ballot, or to the political party affiliation of a candidate. There may be attached to or contained in any such petition or declaration a statement not exceeding 10 words of the qualifications and experience of said candidate and also a declaration by the candidate that, if nominated and elected, such candidate will qualify for office.
- C. The name of any candidate shall be printed separately on the ballot at the general election under the designation "Vote for One" and provision shall be made so the elector may write the name of any other person for whom the elector wishes to vote for the office of Mayor or Councilor.
- D. Where there is more than one candidate for an office the names of the candidates shall be rotated on the ballot in the same manner as the names of candidates are rotated on the ballot in general elections.

City of Grants Pass Municipal Code



1.32.040 Administrative Authority

To the fullest extent authorized by law the County Clerk shall administer general biennial elections pertaining to the election of Mayor and Councilors of the City, except as otherwise provided by Charter or ordinance of the City.

City of Grants Pass Municipal Code



Chapter 1.36

VIOLATION--PENALTY

Sections:

1.36.010 Violation--Penalty

1.36.010 Violation--Penalty

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any provision of this code is guilty of a Violation.
- B. **PROCEDURE:** A Violation may be prosecuted in Municipal Court or in the Circuit Court of the State of Oregon. The burden of proof for finding of guilty of a Violation shall be a preponderance of evidence. Proof of a culpable mental state is not required for a conviction. Persons accused of a Violation of this ordinance shall be tried to the Court, without a jury, and shall not be entitled to Court appointed legal representation unless required by the Constitutions of the State of Oregon or the United States.
- C. **MAXIMUM FINE:** Except in cases where a different punishment is prescribed by any provision of this Code, any person convicted of such Violation shall be punished by a fine not to exceed \$720. In addition to said fine, the Court may also assess court costs against the defendant. (Ord 5369 §02, 2006).
- D. **CONTINUING VIOLATIONS:** Each day's violation of a provision of this Code constitutes a separate offense and may be prosecuted and punished accordingly.
- E. **RESTITUTION:** Upon a finding of guilty, a Court may also order restitution to any person or business, including the City, who has been damaged by the defendant's conduct.
- F. **RESTRICTED PARKING PENALTIES:** Violations of the Restricted Parking provisions of Chapter 6.04 shall be subject to the fines noted in this subsection and shall be processed with a Notice of Violation form as noted in Chapter 6.06 – "Parking Violations, Procedures and Citations" and per the requirements of Title 6.

City of Grants Pass Municipal Code



1. A violation of Section 6.04.030 Parking in Two Hour Parking Spaces, shall result in a fine in the amount of \$2 which shall be paid within 3 days of the date the Notice of Violation is issued.
 2. A violation of Section 6.04.010 Parking in Fifteen Minute Parking Spaces, Section 6.04.020 Parking in Thirty Minute Parking Spaces, Section 6.04.040 Parking in Three Hour Parking Lots, or Section 6.04.060 Method of Parking shall result in a fine in the amount of \$5 which shall be paid within 3 days of the date the Notice of Violation is issued.
 3. Any other violation of Chapter 6.04 shall result in a fine in the amount of \$25, which shall be paid within 3 days of the date the Notice of Violation is issued.
- G. CITATIONS: Police Officers, Community Service Officers, and Code Enforcement Officers are authorized to enforce the provisions of the Grants Pass Municipal Code and to use State of Oregon UCC forms to cite an individual into Court for all violations of the Grants Pass Municipal Code, except those violations set forth in Chapter 6.04 which are cited with parking tickets. (Ord 5369. §02, 2006).
- H. BASE FINE PROCEDURE: Except for those violations set forth in Chapter 6.04, although a Court is authorized to fine up to the maximum amount of \$720 as noted above, the Base Fine amounts listed below shall be specified on each citation for each violation of the Municipal Code. Upon the entering of a plea of guilty to the violation, Court personnel are authorized to impose the Base Fine for each violation, or the reduced amount for a first offense or second offense for the same violation as noted below. (Ord. §02, 2006).
- I. WRITTEN WARNINGS AND PRIOR OFFENSES: The Base Fine and the amount of any reductions shall be increased:
1. By \$200 if the person issuing the citation notes on the citation that the defendant was warned of the violation in writing not less than 2 days prior to issuance of the citation and the person issuing the citation notes that on the citation.

City of Grants Pass Municipal Code



2. By \$400 if the defendant has been convicted for the same offense within the previous 12 months and the person issuing the citation notes that on the citation.
- J. **BASE FINE FOR VIOLATIONS OF THE GRANTS PASS DEVELOPMENT CODE AND MUNICIPAL CODE:** Except for those violations noted in Subsections K herein, and except for violations of Chapter 6.04 – “Restricted Parking” which have specifies parking penalties, the Base Fine for a violation of the provisions of the Municipal Code (including the provisions of the Grants Pass Development Code) shall be \$295 (this includes state and county assessments). Upon a plea of guilty to a 1st offense for the particular violation, the penalty may be reduced by Court personnel to \$180 (this includes state and county assessments). Upon a plea of guilty to a 2nd offense for the same violation, the penalty may be reduced by Court personnel to \$225 (this includes state and county assessments). The Base Fine and any penalty reduction shall be increased as provided in Subsection I. (Ord 5369. §02, 2006; Ord. 5555 §16, 2012)
- K. **BASE FINE FOR MINOR VIOLATIONS OF THE MUNICIPAL CODE:** The Base Fine for 5.35.010 (Prohibited Activity on Bridges); 5.60.010 (Curfew for Minors); 5.68.010A and 5.68.010C (Drinking in Public Places); 5.08.010A, 5.08.010B and 5.08.010I (Nuisance Dog) 5.610.010 (Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited); 6.45.600 (Smoking Prohibited on Public Property); Chapter 9.08 (Garage Sales and Yard Sales); the use, possession, and discharge of fireworks under 9.12.270; signs prohibited by subsections 2, 3,4, 8, 10, and 11 of 9.21.500; and temporary political signs under 9.21.620, 921.630, 9.21.640 and 9.21.650 shall be \$75 (this includes state and county assessments). Upon a plea of guilty to a 1st offense for the particular violation, the penalty may be reduced by Court personnel to \$35 (the penalty shall be distributed according to statute). Upon a plea of guilty to a 2nd offense for the same violation, the penalty may be reduced by Court personnel to \$50 (the penalty shall be distributed according to statute). The Base Fine and any penalty reduction shall be increased as provided in Subsection I. (Ord.5369 §02, 2006 Ord. 5555 §16, 2012).
- L. **SEIZURE:** If a citation involves the use of a bicycle, skateboard, roller skates, or roller blades, (including failure to have a helmet on during operation) and the offense is committed in the Officer’s presence, the Officer may seize and the Public Safety Department may retain possession of the item for a period of up to one week. If it is a second citation for the same offense within a 1-year period, the Officer may seize and the Public Safety Department may retain possession of the item for a period of up to 1 month. If it is a third citation for the same offense within



a 1-year period, the Officer shall seize the item and the Public Safety Department shall retain possession of the item until disposition of the underlying citation has been concluded, and if convicted or upon a plea of guilty, the item shall be forfeited by the Court and disposed of by the City through public auction.

- M. **CORPORATE FINES:** If no special corporate fine is specified in the law creating the violation, a sentence to pay a fine for a violation committed by a corporation shall be in an amount not to exceed twice the fine established under this Chapter for a violation by an individual. If a special corporate fine is specified in the law creating the violation, the sentence to pay a fine shall be governed by the law creating the violation. The Base Fine for a corporation shall be twice the amount of the Base Fine for an individual. (Ord 5369 §02, 2006).

1.36.11 Penalty for Violating a Stop Work Order

The maximum penalty for a violation of a stop work order under section 114.3 (titled "Unlawful continuance") of the 2007 Oregon Structural Specialty Code is a fine of \$1,250 and a jail term of up to 30 days. (Ord. 5374 §06, 2006) (Ord. 5407, 06/06/2007)

1.36.012 Penalty for Violating an Order to Vacate

The maximum penalty for a violation of a notice to vacate under section 404.2 (titled "Compliance") of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is a fine of \$1,250 and a jail term of up to 30 days. (Ord. 5374 §06, 2006)(Ord. 5407, 06/06/2007)

1.36.013 Reduction to a Violation

- A. The City Attorney may elect to treat any misdemeanor as a violation. The election must be made by the City Attorney orally at the time of the first appearance of the defendant or in writing filed on or before the time scheduled for the first appearance of the defendant. If no election is made within the time allowed, the case shall proceed as a misdemeanor.
- B. If the City Attorney elects to treat a misdemeanor as a violation under this section, the court shall amend the accusatory instrument to reflect the charged offense as a violation and clearly denominate the offense as a violation in any judgment entered in the matter. The maximum fine that a court may impose upon conviction of a violation under this section may not exceed \$720.
- C. If a City Attorney elects to treat a misdemeanor as a violation under this section, and the defendant fails to make any required appearance in the

City of Grants Pass Municipal Code



matter, the court may enter a default judgment against the defendant in the manner provided by ORS 153.102. (Ord. 5374 §06, 2006)

1.36.020 Parties to a Violation

- A. Liability described. A person is guilty of a violation if it is committed by the person's own conduct or by the conduct of another for which the person is liable, or both.
- B. Liability for conduct of another. A person is liable for the conduct of another person constituting a violation if:
 - 1. The person is made liable by the ordinance defining the violation; or
 - 2. With the intent to promote or facilitate the commission of the violation, the person:
 - (a) Solicits or commands such other person to commit the violation; or
 - (b) Aids or abets or agrees or attempts to aid or abet such other person in planning or committing the violation; or
 - (c) Having a legal duty to prevent the commission of the violation fails to make an effort the person is legally required to make.
- C. Exclusion of defenses to liability for conduct of another. In any prosecution for a violation in which liability is based upon the conduct of another person pursuant to 1.36.020, it is no defense that,
 - 1. Such other person has not been prosecuted for or convicted of any violation based upon the conduct in question or has been convicted of a different violation or degree of violation; or
 - 2. The violation, as defined, can be committed only by a particular class or classes of persons to which the defendant does not belong, and the defendant is for that reason legally incapable of committing the violation in an individual capacity.
- D. Liability of Corporations.
 - 1. A corporation is guilty of an offense if:
 - (a) The conduct constituting the violation is engaged in by an agent of the corporation while acting within the scope of

Title 1 Last Revised 08/0/2014

City of Grants Pass Municipal Code



employment and in behalf of the corporation, or the offense is one defined by an ordinance that clearly indicates a legislative intent to impose liability on a corporation; or

- (b) The conduct constituting the violation consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or
- (c) The conduct constituting the violation is engage in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the corporation.

2. As used in this section:

- (a) "Agent" means any director, officer or employee of a corporation, or any other person who is authorized to act in behalf of the corporation.
- (b) "High managerial agent" means an officer of a corporation who exercises authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees or any other agent in a position of comparable authority.

- E. Liability of an individual for corporate conduct. A person is liable for conduct constituting a violation which the person performs or causes to be performed in the name of or in behalf of a corporation to the same extent as if such conduct were performed in the person's own name or behalf. (Ord. 5369 §02, 2006).