TITLE III: ADMINISTRATION

Chapter

CHAPTER 30: INITIATIVES AND REFERENDUMS

Section

§ 30.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY ELECTIONS OFFICER. The City Recorder for this city.

EMERGENCY ELECTION. An election held as provided by O.R.S. 221.230(2), when the Council finds that, in order to avoid extraordinary hardship to the community, it is necessary to hold an election sooner than the next available election date specified in O.R.S. 221.230(1).

MEASURE. A legislative enactment by the Council not necessary for the immediate preservation of the public peace, health, and safety; a part of such an enactment; or a proposed legislative enactment for the city.

PETITION. An initiative or referendum petition for ordering a measure to be submitted to the voters.

REFER. To subject a measure to the referendum.

REGULAR ELECTION. A city election held at the same time as a primary or general biennial election for election of state and county officers.

SPECIAL ELECTION. An election held on a date specified in O.R.S. 221.230(1) that is not a regular election.

VOTER. A legal voter of the city.

WRITE. To write, type, or print.
(Ord. 26, passed 8-25-1982)

§ 30.02 COMPLETE PROCEDURE.

This chapter provides a complete procedure for the voters to exercise initiative and referendum powers.
(Ord. 26, passed 8-25-1982)

§ 30.03 INITIATIVE PROCEDURES.

(A) *Initiative proposal.* An initiative measure shall be proposed by depositing at the office of the city elections officer a duly prepared petition ordering the measure to be submitted to the voters.

(B) *Form of petition.*

(1) An initiative petition shall not be considered duly prepared unless it is in the form prescribed by the Secretary of State. A sample of the form is available in the office of the city elections officer.

(2) Only the first 20 names appearing on a page of a petition shall be considered in computing the number of valid signatures on the petition.

(3) The caption that is part of the ballot title prepared by the City Attorney shall be printed in the foot margin of each signature sheet of the initiative petition.

(C) *Presentation to Council.* At the next regular meeting of the Council after the proposal of an initiative measure, the city elections officer shall present the measure to the Council.

(D) *Submission to voters.* The city elections officer shall cause a charter or charter amendment proposed by the initiative, and any other initiative measure not adopted within 30 days after its filing, to be submitted to the voters at the time provided by § 30.08(A) of this code.
(Ord. 26, passed 8-25-1982)

§ 30.04 REFERENDUM PROCEDURES.

(A) *Referendum procedure.* A measure shall be referred by:

(1) Deposit at the office of the city elections officer a duly prepared referendum petition for the measure; or

(2) Council submission of the measure to the voters.

(B) *Form of petition.*

(1) A referendum petition shall not be considered duly prepared unless it is in the form prescribed by the Secretary of State. A sample of the form is available at the office of the city elections officer.

(2) Only the first 20 names appearing on a page of a petition shall be considered in computing the number of valid signatures on the petition.

(3) The caption that is part of the ballot title prepared by the City Attorney shall be printed in the foot margin of each signature sheet of the referendum petition.

(C) *Time for referring measure by petition.* A referendum petition for a measure shall be considered duly prepared if the petition and the required signatures are deposited with the city elections officer within 30 days after the Council enacts the measure.

(D) *Time for referral by Council.* The Council may refer a measure only at the session at which it enacts the measure.

(E) *Submission to voters.* The city elections officer shall cause a referred measure to be submitted to the voters at the time fixed by § 30.08(A) of this code.
(Ord. 26, passed 8-25-1982)

§ 30.05 PETITIONS.

(A) *Preparation of petitions.* A petition shall not be considered duly prepared unless:

(1) Prior to its circulation, a copy is deposited with the city elections officer, with a correct copy of the measure and a signed statement on the face of the petition of the name and address of the person or persons, not to exceed 3, under whose authority and sponsorship the petition was prepared and is to be circulated; or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization; and

(2) As circulated, the petition:

(a) Complies with the requirements of §§ 30.03(B) or 30.04(B) of this code;

(b) Contains the ballot title that is prepared initially or that is approved or prescribed on appeal, as required by this chapter, for the measure for which it is being circulated; and

(c) Contains the name and address of the sponsor of the petition.

(B) *Elections officer duties.* When a copy of a petition to be circulated is deposited with the city elections officer, the officer shall immediately:

(1) Check the form for compliance with §§ 30.03(B) or 30.04(B) of this code;

(2) Advise the person depositing it whether it complies with §§ 30.03(B) or 30.04(B), and, if it does not, how to correct it;

(3) Stamp the date and time on the petition;

(4) Provide a sample petition form prescribed by the Secretary of State, if one has not already been obtained; and

(5) Send a copy to the City Attorney for preparation of the ballot title, unless the officer is responsible for preparing the title.
(Ord. 26, passed 8-25-1982)

§ 30.06 BALLOT TITLE.

(A) *Ballot title preparation.*

(1) The ballot title for a measure ordered by the Council or proposed to be ordered by a petition shall be prepared and in the hands of the city elections officer within 10 days after the Council orders the submission or after a copy of the petition is first deposited with the officer.

(2) When the Council submits a measure to the voters or when a petition is first deposited with the city elections officer, the officer shall send a copy of the measure to the City Attorney, who shall prepare the ballot title and return it to the officer. If the city has no attorney or the City Attorney is unable to prepare the ballot title within the time required, the officer shall prepare the ballot title.

(B) *Ballot title appeals.* A voter dissatisfied with the ballot title may, within 5 days after it is prepared and deposited with the city elections officer, appeal to the Council by a written appeal deposited with the officer, asking for a different ballot title for the measure and stating why the title prepared is

unsatisfactory. Within 10 days after deposit of the appeal with the officer, the Council shall provide the appellant a hearing and either approve the title or prescribe another ballot title. The title thus adopted shall be the ballot title for the measure.

(C) *Captions and statements.* The ballot title shall be a concise and impartial statement of the purpose of the measure. It shall consist of:

(1) A caption not exceeding 10 words by which the measure is commonly referred to;

(2) A question of not more than 20 words which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(3) An abbreviated statement not exceeding 175 words which summarizes the measure.
(Ord. 26, passed 8-25-1982)

§ 30.07 SIGNATURES.

(A) *Number of signatures.*

(1) The number of signatures required for a duly prepared initiative petition shall be 15% of the number of voters registered at the election for the office of Mayor immediately preceding the deposit of the petition with the city elections officer.

(2) The number of signatures required for a duly prepared referendum petition shall be 10% of the number of voters registered at the election for the office of Mayor immediately preceding the deposit of the petition with the city elections officer.

(B) *Attachment of measure to sheets.* A signature on a petition sheet shall not be counted unless a copy of the measure to which the petition refers is attached to the sheet.

(C) *Verification of signatures.* A signature on a petition sheet shall not be counted unless the person who circulated the sheet verifies, on its face, by a signed statement, that the individuals signed the sheet in the presence of the circulator and the circulator believes that each individual who signed the sheet is a qualified voter.

(D) *Certification of signatures.* Within 10 days after a duly prepared petition is deposited with the city elections officer, the officer shall verify the number and genuineness of the signatures and the voting qualifications of the persons signing the petition by reference to the registration books in the office of the County Clerk. If a sufficient number of voters signed the petition, the officer shall so certify and file the petition. If the officer determines that there is an insufficient number of signatures, the petition shall be returned to the sponsor or person offering the petition for filing.
(Ord. 26, passed 8-25-1982)

§ 30.08 ELECTION.

(A) *Voting on measures.*

(1) The time for voting on a measure shall be the first available election date more than 90 days after the verification and filing of a duly prepared petition by the city elections officer.

(2) The Council may call an emergency election for a measure and set the date for it as provided by O.R.S. 221.230.

(B) *Designation and numbering of measures.* Measures shall appear on a ballot by ballot title only, and initiative measures shall be distinguished from referred measures. The sequence of measures to be voted on shall be the sequence in which the respective measures are ordered to be submitted to the voters, with the first measure to be numbered “51" in numerals, and the succeeding measures to be numbered consecutively “52,” “53,” “54,” and so on.

(C) *Election notice.* The city elections officer shall give notice of all elections in accordance with the requirements of the City Charter.

(D) *Information to County Clerk.* When a measure is to be voted on at a regular or special election, the city elections officer shall furnish a certified copy of the ballot title and number of each measure to be voted on at the election to the County Clerk, in accordance with the time limits established by state law.

(E) *Election returns.* The votes on a measure shall be counted, canvassed, and returned as provided by state law.
(Ord. 26, passed 8-25-1982)

§ 30.09 PROCLAMATION OF RESULTS.

(A) Immediately upon the completion of the canvass of the votes on a measure, the Mayor shall issue a proclamation:

(1) Stating the vote on the measure;

(2) Declaring whether the vote shows a majority to be in favor of it; and

(3) If a majority of voters favor the measure, declaring it to be effective from the date of the vote.

(B) The city elections officer shall give public notice of the proclamation by publishing it once in a newspaper of general circulation in the city or by posting copies of it in 5 public places in the city, including City Hall.

(C) The proclamation shall be filed with the measure.
(Ord. 26, passed 8-25-1982)

§ 30.10 EFFECT OF MEASURES.

(A) *Effective date of measures.* A measure submitted to the voters shall take effect when proclaimed by the Mayor to be passed by a majority of the voters. A measure shall have no effect while it is subject to the referendum.

(B) *Conflicting measures.* Of conflicting measures approved by the voters at an election, the measure receiving the greater number of affirmative votes shall be paramount.
(Ord. 26, passed 8-25-1982)

§ 30.11 UNLAWFUL ACTS.

(A) No person other than a registered voter shall sign a petition.

(B) No person shall sign a petition with a name not his or her own.

(C) No person shall knowingly sign a petition more than once.

(D) No person shall knowingly circulate or deposit at the office of the city elections officer a petition that contains a signature signed in violation of this chapter.

(E) No person shall procure or attempt to procure a signature on a petition by fraud.

(F) No person shall knowingly make a false statement concerning a petition.

(G) No person shall make a document required or provided for by this chapter that contains a false statement.

(H) No person shall pay or receive a valuable consideration for procuring a signature on a petition.

(I) No officer shall willfully violate a provision of this chapter.
(Ord. 26, passed 8-25-1982) Penalty, see § 10.99

CHAPTER 31: ORDINANCE ENFORCEMENT PROCEDURES

Section

General Provisions

Infraction Complaints

Court Proceedings

GENERAL PROVISIONS

§ 31.01 PURPOSE.

The purpose of this chapter is to provide for the welfare, safety, and health of the citizens of the city by establishing a procedure wherein the ordinances of the city can be enforced. The City Council has considered past enforcement efforts, which relied primarily upon injunctive action in the state courts. The City Council specifically finds that existing city ordinances and procedures involve substantial delay and high cost, thus deterring vigorous enforcement of ordinances. It is immediately necessary to enact this ordinance enforcement procedure in lieu of others, in order to ensure timely enforcement of city ordinances and maintain public confidence and certainty in those ordinances. (Ord. 1987-48, passed 12-2-1987)

§ 31.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY ORDINANCE. All ordinances duly enacted by the city, including but not limited to zoning, planning, nuisance abatement, health, solid waste, public works, and building ordinances.

ENFORCEMENT OFFICER. The person(s) who is appointed to serve infraction complaints pursuant to §§ 31.03 and 31.20 of this code.

INFRACTION COMPLAINT. The document(s) which, when properly served upon the alleged ordinance violator, brings the matter before the appropriate court for resolution. The elements of an ***INFRACTION COMPLAINT*** are set forth in § 31.21 of this code.

PERSON. Includes:

(1) The United States or agencies thereof, any state, public, or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate, or any other legal entity, contractor, subcontractor, or combination thereof. ***PERSON*** also includes those residing in or conducting business or activities in the city; and

(2) The owner, title holder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the violation of a city ordinance, as is the possessor of the land, user of the land, or the person who is taking the action, conduct, or omission which constitutes a violation of any city ordinance.

VIOLATOR. Any person who has admitted violation of a city ordinance or a person who has been adjudicated to have violated a city ordinance.
(Ord. 1987-48, passed 12-2-1987)

§ 31.03 ENFORCEMENT OFFICERS.

The City Council shall appoint 1 or more persons to act as enforcement officer(s) for the purposes of issuing infraction complaint(s), abstract of record, and summons. The appointment(s) shall be made a part of the City Council's records.
(Ord. 1987-48, passed 12-2-1987)

§ 31.04 JURISDICTION OF COURTS.

The Municipal Court or the Circuit Court have concurrent jurisdiction of all infraction complaints for violation of a city ordinance.
(Ord. 1987-48, passed 12-2-1987)

§ 31.05 PROSECUTOR DESIGNATED.

The City Council hereby elects to have the prosecution of infraction complaints and any other remedy provided by law to be conducted by the City Attorney.
(Ord. 1987-48, passed 12-2-1987)

INFRACTION COMPLAINTS

§ 31.20 SERVICE OF COMPLAINT.

(A) Service of the infraction complaint shall be by the enforcement officer upon the person(s) whose conduct, action(s), or omission(s) constitute the ordinance violation(s).

(B) If the alleged ordinance violator is not the owner, title holder, contract buyer, or contract seller of the property and is the person whose action, conduct, or omission is creating or causing (by act or omission) the ordinance violation, then the owner, title holder, contract buyer, and contract seller may also be served personally with an infraction complaint.

(C) If personal service cannot readily be made, substitute service can be made as provided in O.R.C.P. 7(D).
(Ord. 1987-48, passed 12-2-1987)

§ 31.21 DELIVERY OF SUMMONS, COMPLAINT, AND ABSTRACT OF RECORD.

(A) An infraction complaint issued pursuant to this chapter shall comply with the requirements of §§ 31.22, 31.23, and 31.24, respectively.

(B) The enforcement officer issuing an infraction complaint shall cause:

(1) The summons to be delivered to the person;

(2) A copy of the complaint, abstract of record, and summons to be delivered to legal counsel within 2 business days after service of the summons; and

(3) The complaint and abstract of record to be delivered to the appropriate court within 2 business days after service of the summons.
(Ord. 1987-48, passed 12-2-1987)

§ 31.22 REPEAT OR CONTINUING VIOLATIONS; REMEDIES NOT EXCLUSIVE.

(A) (1) Except as otherwise specifically provided in this chapter, an infraction complaint shall be used for violation of any city ordinance.

(2) Infraction complaints may be filed against the same person for repeated violations of the same ordinance or for a continuing violation of the same ordinance.

(3) Each 24-hour period constitutes a separate occurrence.

(B) The city may, at any time, whether before or after the issuance of 1 or more infraction complaints, institute a complaint in the Circuit Court for any other remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, or abate the violation.

(C) In addition to any other remedy provided by law to the city, the city may seek a penalty as provided in § 10.99 of this code for each separate violation pursuant to this chapter.
(Ord. 1987-48, passed 12-2-1987)

§ 31.23 REQUIRED COMPLAINT CONTENT; MOTION TO SET ASIDE.

(A) *Complaint content.* The infraction complaint shall consist of 4 parts.

(1) The required parts are:

(a) The complaint;

(b) The abstract of record;

(c) The enforcement officer record; and

(d) The summons.

(2) Each of the parts shall contain the information required by this chapter.

(B) *Certificate.* The complaint shall contain a form or certificate in which the enforcement officer shall certify that he or she has reasonable grounds to believe, and does believe, the person served with the infraction complaint violated a city ordinance, contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.

(C) *Minimum requirements for complaint.* The infraction complaint is sufficient if it contains the following:

(1) The name of the court, the name of the city, in whose name the action is brought, and the name of the violator(s);

(2) A statement or designation of the alleged violation of city ordinance in a manner as can be readily understood by a person making a reasonable effort to do so, and the date, time, and place at which the violation of city ordinance is alleged to have occurred; and

(3) A certificate signed by the enforcement officer issuing the infraction complaint.

(D) *Motion to set aside.* The complaint shall be set aside by the court upon motion of the violator, before a plea, when the complaint does not conform to the requirements of this section. A pretrial ruling on a motion to set aside may be appealed by the city. The court may allow the city to amend the complaint or to file an amended complaint.
(Ord. 1987-48, passed 12-2-1987)

§ 31.24 SUMMONS; REQUIRED CONTENT.

A summons in an infraction complaint is sufficient if it contains the following:

(A) The name of the court, the name of the person cited, the date on which the infraction complaint was issued, the name of the complainant, and the date, time, and place at which the person cited is to appear in court;

(B) A statement or designation of the violation of city ordinance in a manner as can be readily understood by a person making a reasonable effort to do so, and the date, time, and place at which the ordinance violation is alleged to have occurred;

(C) A notice to the person cited that an infraction complaint will be filed with the court, based upon the alleged violation of city ordinance;

(D) The amount of forfeiture for a violation of the ordinance; and

(E) A written notice on the face of the summons that the city may seek any and all other legal remedies, including but not limited to injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, or abate the ordinance violation.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

COURT PROCEEDINGS

§ 31.35 VIOLATOR'S APPEARANCE; REQUEST FOR HEARING; STATEMENT.

(A) The violator shall either appear in court at the time indicated in the summons, or prior to that time may:

(1) Request a hearing;

(2) Admit violation of the city ordinance and give a statement of matters in explanation or mitigation of the violation; or

(3) Submit to the court an executed appearance, waiver of hearing, and admission of violation as set forth on the summons, together with cash, check, or money order in the amount of the forfeiture set forth on the summons. A statement in explanation or mitigation may also be submitted with the admission of violation of city ordinance.

(B) In any case in which the violator personally appears in court at the time indicated in the summons, and the violator desires to admit the violation of the city ordinance and the court accepts the admission, the court shall hear any statement in explanation or mitigation that the violator desires to make.

(C) If the violator does not appear in court at the time indicated in the summons, and has not, prior to that time, submitted an executed appearance and waiver of hearing to the court, together with cash, check, or money order in the amount of the fine set forth in the summons, or requested in writing a continuance of the time to appear in court, the court shall enter a judgment against the violator in an amount equal to the forfeiture set forth on the face of the summons, together with court costs and any special costs.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.36 STATEMENT AS WAIVER OF HEARING; FINE FORFEITURE.

If a violator has not requested a hearing, but has submitted to the court any written statement in explanation or mitigation of the ordinance violation, the statement constitutes a waiver of hearing and consent to the entry of judgment against the violator. The court may declare a forfeiture of the fine or portion thereof on the basis of the statement and any testimony or written statement of the enforcement officer or other person, if any, which may be presented to the court.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.37 HEARING DATE; CONTEMPT OF COURT.

(A) If the violator requests a hearing, the court shall fix a date and time for the hearing, and advise the violator of the date.

(B) If the violator fails to appear at the time set for the hearing without having previously requested in writing a continuance, the court shall enter a judgment against the violator in the amount of the forfeiture set forth on the summons together with court costs and any special costs.

(C) No warrant of arrest can be issued for any violation of a city ordinance. Nothing in this section shall prohibit the court from issuing a warrant of arrest for any contempt of court which occurs.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.38 HEARING; BURDEN OF PROOF; ATTORNEYS.

(A) The hearing of any infraction complaint shall be by the court without a jury.

(B) The hearing of any infraction complaint shall not commence until the expiration of 7 days from the date of the infraction complaint.

(C) The city shall have the burden of proving the violation of the ordinance by a preponderance of the evidence.

(D) The pretrial discovery rules set forth in the State Rules of Civil Procedure shall apply to infraction complaints. The city may call the violator as a witness at the hearing.

(E) Proof of negligence, malfeasance, misfeasance, nonfeasance, willful conduct, knowing conduct, intentional conduct, or any other culpable mental state is not an element of any ordinance violation.

(F) At any hearing involving an infraction complaint, an attorney shall not be provided at public expense. At any hearing involving an infraction complaint, the City Attorney may appear, but is not required to appear.
(Ord. 1987-48, passed 12-2-1987)

§ 31.39 SUBSEQUENT PROSECUTION OF ADDITIONAL VIOLATIONS.

Notwithstanding any provision of the State Rules of Civil Procedure or any other provision of this chapter, the prosecution of 1 infraction complaint shall not bar the subsequent prosecution of additional city ordinance violations occurring or committed at the same time or as part of the same act or transaction or as part of the same occurrence as other ordinance violation(s). Evidence of prior ordinance violation(s) shall be admissible in any subsequent prosecution of any ordinance violation.
(Ord. 1987-48, passed 12-2-1987)

§ 31.40 CIVIL JUDGMENT; EFFECT.

A judgment upon an infraction complaint is a civil judgment, as is any other civil judgment at law. The judgment involves only a fine, and does not incur loss by forfeiture, suspension, or revocation of any license or any other privilege or other civil penalty. A person against whom a judgment is issued does not suffer any disability or legal disadvantage, based upon that judgment, other than the enforcement by the city of the judgment.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.41 DOCKET OF CITY LIENS; FORECLOSURE.

(A) *Lien.* The Municipal Court Judge shall enter the judgment as a lien in the docket of city liens if the defendant has an ownership interest in real property within the city. The lien shall bear interest at the rate of 9% per annum.

(B) *Foreclosure.* At any time after the lien has been so docketed, a suit to foreclose same may be brought in the Circuit Court of the state for the county, in the name of the city. These liens may be foreclosed in the same manner as any other city liens.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.42 APPEAL FROM JUDGMENT.

An appeal from a judgment may be taken by either party as follows:

(A) From a proceeding in the Municipal Court, as provided in O.R.S. Chapter 221;

(B) From a proceeding in the Circuit Court, as provided in O.R.S. 19.005 - 19.225 and 19.250 - 19.430.
(Ord. 1987-48, passed 12-2-1987)

§ 31.43 COURT COSTS.

(A) The court, in addition to the fine, shall charge court costs to the violator where:

(1) The violator admits violation of the city ordinance and the minimum fine is imposed;

(2) The violator admits violation of the city ordinance and a fine other than the minimum fine is imposed;

(3) The violator fails to appear for the hearing or is found to have violated a city ordinance following a hearing; or

(4) The violator enters into an agreement with the city for a consent decree whereby the violator does not admit violation of the city ordinance but agrees to make necessary corrections, as set forth in the agreement, in order to bring the violator's conduct, actions, or property into compliance with city ordinances.

(B) Court costs shall be $25. Those costs cannot be waived by the city, the violator, or the court in any proceeding. If the violator fails to pay the costs, the costs shall be entered as a judgment against the violator in the same manner and with like effect as a judgment for a fine.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.44 CONSENT DECREE.

(A) The city and the violator may enter into a consent decree. The consent decree shall provide that the violator does not admit a violation of city ordinance but will make necessary corrections, as set forth in the agreement, to bring the violator's actions, conduct, omissions, or property into conformance with appropriate city ordinances.

(B) The violator, the violator's attorney if any, and the city shall sign all consent decrees.

(C) The consent decree shall be filed with the court as a final adjudication of the proceedings and shall constitute a dismissal of the action when the violator performs as agreed. The violator or the city may seek a court order dismissing the case upon completion of the conditions of the consent decree.

(D) The violator's failure to comply with the consent decree allows the city to seek any additional remedies provided by law or this chapter.
(Ord. 1987-48, passed 12-2-1987) Penalty, see § 10.99

§ 31.45 FINES; DISTRIBUTION.

All fines collected shall be distributed to the general fund.
(Ord. 1987-48, passed 12-2-1987)

§ 31.46 SPECIAL COSTS.

(A) The city shall be entitled to recover all special costs and disbursements that are reasonable and necessary expenses incurred in the successful prosecution of an infraction complaint other than for legal services, but including the costs, expenses, and salaries of officers, employees, and witnesses, the necessary expenses of taking depositions, the expense of publication of summons or notices, postage, compensation of expert witnesses, and the expense of copying any public record, book, or document used as evidence in the trial.

(B) The special costs shall be allowed to the city in the same manner as a judgment for fines.
(Ord. 1987-48, passed 12-2-1987)

§ 31.47 PRIVATE RIGHT OF ACTION.

(A) Any person, whether acting as principal, agent, or employee, whose interest is or may be affected by any violation of a city ordinance may, in addition to the other remedies provided by law, file an infraction complaint in the following manner.

(B) (1) The private citizen shall prepare and present the infraction complaint to the appropriate enforcement officer.

(2) If the enforcement officer fails to act upon the infraction complaint within 10 days, the citizen may submit the infraction complaint to legal counsel. Legal counsel may investigate the alleged violation of a city ordinance and, after consultation with the appropriate department or division head, shall either:

(a) Have served the infraction complaint and prosecute; or

(b) Decline to serve the infraction complaint or to prosecute.

(3) Legal counsel shall notify the private citizen of the action within 10 days from the date the infraction complaint is presented to legal counsel.
(Ord. 1987-48, passed 12-2-1987)

CHAPTER 32: CONTRACT SIGNING AUTHORITY

Section

§ 32.01 CONTRACT AUTHORITY OF THE CITY AND ITS REPRESENTATIVES.

(A) This section applies to all contracts and intergovernmental agreements in which the city is a party, except for contracts subject to § 40 of the City Charter.

(B) All city contracts shall be submitted for execution to the City Manager, who shall report to the City Council the contract's subject matter and cost at the next regularly scheduled City Council meeting. Notwithstanding the foregoing, the City Manager shall have authority to execute any contract valued at $25,000 or less without advance City Council approval.

(C) Contracts valued between $25,000 and $100,000 may be authorized and executed by the City Manager together with the Mayor.

(D) Contracts valued in excess of $100,000 shall require advance City Council approval, and shall be executed on behalf of the city with the signatures of both the Mayor and the City Manager.

(E) All city contracts under this chapter shall be disclosed to the City Council at the City Council meeting first following execution of the contract, and preserved in a contract log maintained by the City Manager.
(Ord. 183-2024, passed 2-13-2024)

Cross-reference:

Intergovernmental agreements, see Table of Special Ordinances II