

TITLE 1
CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application of Provisions
- 1-4-3: Liability of Officers

1-4-1: GENERAL PENALTY: Any person convicted of violation of any section or provision of this City Code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for any one offense, each day constituting a separate offense, or by imprisonment in the City or County jail for a period of not more than six (6) months or by both such fine and imprisonment.¹

1-4-2: APPLICATION OF PROVISIONS:

- A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section unless otherwise indicated. Any person convicted of a violation of any section of this City Code except section 3-1-4 of Chapter 1 of Title 3, where a duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, which has as a possible penalty incarceration, shall be deemed guilty of a misdemeanor. Offenses without incarceration declared crimes under state law continue as crimes. However, offenses without incarceration that are not state crimes are civil offenses.(ORD 9 Series 1985)
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing any act or the omission to do any act constitutes a breach of ¹any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3: LIABILITY OF OFFICERS: No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.² (1981 Code)

¹ ORS 161.505, 161.615, 161.635; also see Title 6, Chapter 2 of this Code for regulations regarding the City jail and prisoners.

² ORS 30.285