

ORDINANCE NO. 260

AN ORDINANCE ALLOWING THE CITY OF METOLIUS TO SEEK A JUDGMENT IN CIRCUIT COURT TO COLLECT ON OR ENFORCE ANY LIEN, COST REIMBURSEMENT, OR FINE OF THE CITY

WHEREAS, the City of Metolius has adopted the Metolius Municipal Code Book ("MMC") to regulate for the protection of the public health, safety and welfare of its citizens; and

WHEREAS, to effectuate adherence to and enforcement of the MMC the City allows for and does impose various fines, fees and costs for violations of the MMC; and

WHEREAS, in addition to all current methods of enforcement and collection in the MMC, the City has determined it to be beneficial to be able to seek a judgment in Jefferson County Circuit Court to collect on or enforce any fine, fee, city lien, or reimbursable cost imposed by the City.

NOW, THEREFORE, THE CITY OF METOLIUS ORDAINS AS FOLLOWS:

SECTION 1: The Metolius Municipal Code Book is amended as follows [deleted text is ~~struck through~~ and new text is ***bold and italicized***]:

1.08.010 General Penalty

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed one year, or by both such fine and imprisonment.
- C. Any person convicted of an infraction for violation of an ordinance of the city is punishable by a penalty of not more than two hundred fifty dollars (\$250.00) ***unless another amount is provided for by any other provision of this code or City resolution.***
- D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by any such person, and shall be punishable accordingly. (Ord. 184 §1, 1995)
- E. ***For any fine, fee, lien or reimbursable cost issued, assessed, levied, prescribed, mandated, imposed, or allowed under this code the City of Metolius is authorized to seek a judgment in Jefferson County Circuit Court for the collection or enforcement of them against the person(s) or entity(ies) who is responsible to the City for the fine, fee, lien or reimbursable cost as determined by this code. In the event that the fine, fee, lien or reimbursable cost remains unpaid for a period of 90 days from the date of its issuance or from the date of a***

notice of such, and the City files an action at law or in equity pursuant to this section, the City may recover, in addition to the recovery of its costs and disbursements, reasonable attorney fees.

F. Every notice sent pursuant to this code regarding unpaid fees, fines, liens or reimbursable costs issued by and owing to the City shall include this statement, "In the event that this fine, fee, lien or reimbursable cost remains unpaid for a period of 90 days from the date it is due or from the date of this notice, whichever is later, the City of Metolius has the authority to seek a judgment in Jefferson County Circuit Court for its collection and/or enforcement under City Code 1.08.010(E). You will be obligated to pay the City's costs, disbursements and attorney fees incurred as a result of this process." This statement shall be conspicuously placed on the notice in a bold font size not less than 10.

SECTION 2. This Ordinance shall take effect 30 days after adoption by the City Council.

Passed and approved by the Common Council and signed by the Mayor of the City of Metolius, Oregon, on the ____ day of _____, 2019.

MAYOR, City of Metolius

ATTEST:

_____, City Recorder