




REVIEWED  <hr/> LEGAL COUNSEL
REVIEWED  <hr/> CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL

CJ 2003-756
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2003-000756

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Titles 1, 2, 5, 6, 8, 9, 10, *
11, 12, 13, 15, 16, 17, 18, 19 and 21 of the *
Deschutes County Code to replace the word *
"infraction" with the word "violation" to comply *
with Oregon Revised Statutes, and Declaring an *
Emergency. *

ORDINANCE NO. 2003-021

WHEREAS, the Deschutes County Code ("DCC") uses the term "infraction" to describe violations of the DCC; and

WHEREAS, the DCC enforcement procedures incorporate by reference several enforcement procedures in the Oregon Revised Statutes ("ORS"); and,

WHEREAS, the Oregon Legislature amended those ORS provisions in 1999 to eliminate the use of term "infraction" and replace it with "violation";

WHEREAS, it is necessary to amend the DCC to correspond to the ORS; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 1.04.010, Definitions, is amended to read as described in EXHIBIT "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 1.08.020, General Powers, is amended to read as described in EXHIBIT "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 1.16.010, Violations deemed Class A or B Classification-Penalties, is amended to read as described in EXHIBIT "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 1.16.020, Continuing Violations, is amended to read as described in EXHIBIT "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 1.16.030, Infraction procedures-Statutory provisions adopted, is amended to read as described in EXHIBIT "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 1.16.035, Search-warrants-Statutory provisions adopted, is amended to read as described in EXHIBIT "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 2.28.220, Violation-Penalty, is amended to read as described in EXHIBIT "D," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. DCC 4.08.127, Penalties-Noncompliance with advertising requirements, is amended to read as described in EXHIBIT "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 4.08.340, Unlawful acts-Penalty, is amended to read as described in EXHIBIT "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. DCC 5.08.110, Infraction, is amended to read as described in EXHIBIT "F," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. DCC 5.12.080, Violation-Infraction, is amended to read as described in EXHIBIT "G," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. DCC 6.04.090, Violation-fraction, is amended to read as described in EXHIBIT "H," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. DCC 6.08.090, Infractions, is amended to read as described in EXHIBIT "I," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. DCC 8.04.040, Violation-Infraction, is amended to read as described in EXHIBIT "J," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. DCC 8.08.120, Violation-Infraction-Enforcement, is amended to read as described in EXHIBIT "K," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. DCC 8.12.240, Violation-Penalty, is amended to read as described in EXHIBIT "L," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. DCC 8.16.220, Violation-Penalty, is amended to read as described in EXHIBIT "M," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. DCC 8.20.030, Violation-Penalty, is amended to read as described in EXHIBIT "N," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. DCC 9.04.020, Display to adults, is amended to read as described in EXHIBIT "O," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. DCC 9.04.030, Display to minors prohibited, is amended to read as described in EXHIBIT "O," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. AMENDMENT. DCC 9.12.020, Purpose, is amended to read as described in EXHIBIT "P," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 22. AMENDMENT. DCC 10.05.110, Violation-Penalty, is amended to read as described in EXHIBIT "Q," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 23. AMENDMENT. DCC 10.16.080, Violation-Penalty, is amended to read as described in EXHIBIT "R," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 24. AMENDMENT. DCC 11.04.080, Violation-Penalty, is amended to read as described in EXHIBIT "S," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 25. AMENDMENT. DCC 12.24.020, Infractions, is amended to read as described in EXHIBIT "T," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 26. AMENDMENT. DCC 12.28.160, Violation-Infraction, is amended to read as described in EXHIBIT "U," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 27. AMENDMENT. DCC 12.32.020, Violation-Penalty, is amended to read as described in EXHIBIT "V," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 28. AMENDMENT. DCC 12.35.170, Violation-Infraction, is amended to read as described in EXHIBIT "W," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 29. AMENDMENT. DCC 13.08.050, Violation-Infraction, is amended to read as described in EXHIBIT "X," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 30. AMENDMENT. DCC 13.40.040, Violation-Penalty, is amended to read as described in EXHIBIT "Y," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 31. AMENDMENT. DCC 15.04.200, Violation-Penalty, is amended to read as described in EXHIBIT "Z," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 32. AMENDMENT. DCC 15.08.560, Violation-Infraction, is amended to read as described in EXHIBIT "AA," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 33. AMENDMENT. DCC 15.10.180, Violations and penalties, is amended to read as described in EXHIBIT "BB" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 34. AMENDMENT. DCC 15.12.140, Prohibited construction, is amended to read as described in EXHIBIT "CC" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 35. AMENDMENT. DCC 16.20.020, Infractions, is amended to read as described in EXHIBIT "DD" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 36. AMENDMENT. DCC 17.12.130, Violation-Infraction, is amended to read as described in EXHIBIT "EE" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 37. AMENDMENT. DCC 18.52.150, Failure to comply, is amended to read as described in EXHIBIT "FF" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 38. AMENDMENT. DCC 18.52.180, Monitoring, is amended to read as described in EXHIBIT "FF" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 39. AMENDMENT. DCC 18.144.050, Infraction, is amended to read as described in EXHIBIT "GG" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 40. AMENDMENT. DCC 19.120.020, Penalties for violations, is amended to read as described in EXHIBIT "HH" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 41. AMENDMENT. DCC 21.84.020, Penalties for violations, is amended to read as described in EXHIBIT "II" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 42. NOTE. *** denotes Code in this Chapter not being changed.

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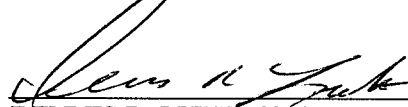
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Section 43. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

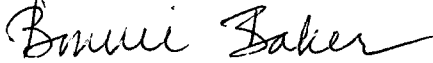
DATED this _____ day of April, 2003.


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair


TOM DEWOLF, Commissioner

ATTEST:


Recording Secretary


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 9th day of April, 2003.

Date of 2nd Reading: 9th day of April, 2003.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom DeWolf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

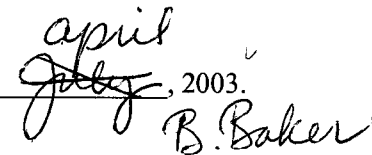
Effective date: 9th day of April, 2003.

B. Baker

EXHIBIT "A"

Chapter 1.04. GENERAL PROVISIONS

- 1.04.010. Definitions.**
- 1.04.020. Grammatical interpretation.**
- 1.04.030. Interpretation of language.**
- 1.04.040. Title of office.**
- 1.04.050. Acts by agents.**
- 1.04.060. General construction.**
- 1.04.070. Reference to other ordinances.**
- 1.04.080. Computation of time.**
- 1.04.090. Effect of repeals.**
- 1.04.100. Prohibited acts including causing and permitting.**
- 1.04.110. Severability.**

1.04.010. Definitions.

* * *

~~"Infraction" means a violation of a Deschutes County ordinance punishable by a fine.~~

* * *

"

~~"Violation" means a violation of a Deschutes County ordinance punishable by a fine.~~

* * *

~~(Ord. 2003-021 § 1, 2003; Ord. 95-026 § 1, 1995; Ord. 86-049 § 1, 1986)~~

* * *

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "B"

Chapter 1.08. COUNTY POWERS

1.08.010. Power over matters of county concern.

1.08.020. General powers.

1.08.030. Limitations.

1.08.010. Power over matters of county concern.

In addition to the authority and powers granted to the County under the Constitutions of the State of Oregon and of the United States, the County shall have authority within the County over matters of county concern to the fullest extent allowed by the Constitutions and laws of the State and of the United States, as fully as if each particular power comprised in that general authority were specifically set out in DCC 1.08.
(Ord. 86-047 § 1, 1986)

1.08.020. General powers.

In addition to the authority and powers granted to the County under the Constitutions and laws of the State and of the United States, and the general powers enumerated in ORS 203.010, the County shall have the following general powers:

- A. To employ and pay necessary agents and employees and contract for personal services.
- B. To construct, reconstruct, alter, enlarge, replace, exchange, operate and maintain facilities.
- C. To permit the use, by lease, license or otherwise, of any real or personal property of the county.
- D. To acquire, purchase, lease or contract by gift, devise, condemnation or otherwise, such real and personal property and rights of way as are, in the judgment of the Board of County Commissioners, necessary for the proper exercise of the powers of the county.
- E. To issue bonds and borrow money.
- F. To call elections.

G. To fix charges for services and materials furnished by the county.

H. To make assessments.

I. To make and enforce necessary regulations, designate infraction violations, impose penalties and restrain nuisances.

J. To vacate, sell or transfer real property and rights of way no longer necessary for use by the County or the public.

K. To loan money, accept collateral, foreclose security interests and expend money to protect security interests.

(Ord. 2003-021 § 2, 2003; Ord. 95-032 § 1, 1995; Ord. 86-047 § 2, 1986)

1.08.030. Limitations.

Nothing in DCC 1.08 shall be deemed to limit or otherwise modify any power or authority otherwise granted to the County by the Constitutions and laws of the State of Oregon and of the United States of America.

(Ord. 86-047 § 3, 1986)

EXHIBIT "C"

Chapter 1.16. CODE VIOLATIONS AND ENFORCEMENT

- 1.16.010. Violations deemed Class A or B Classification- Penalties.
- 1.16.020. Continuing violations.
- 1.16.030. ~~Infraction~~Violation procedures-Statutory provisions adopted.
- 1.16.032. Base fine amounts and violation classification for water supply, on-site sewage, building code, subdivision regulations and land use regulation violations.
- 1.16.035. Search warrants-Statutory provisions adopted.
- 1.16.040. Other remedies not precluded.
- 1.16.045. Private right of action.
- 1.16.050. Stop work or use tag violations.
- 1.16.060. Continuation of certain liabilities.
- 1.16.070. Code enforcement officials-Designation by Board.
- 1.16.080. Code enforcement officials-Appointment status.
- 1.16.090. Penalty for false information on noise or animal control violation.

- 1.16.010. Violations deemed Class A or B Classification- Penalties.
 - A. Violation of a county ordinance shall be punishable, upon conviction, by fine only. Violations of county ordinances shall be classified as Class A ~~infraction~~violations or Class B ~~infraction~~violations. Each county ordinance specifying a county offense shall classify the ordinance violation as a Class A or Class B ~~infraction~~violation.
 - B. A sentence to pay a fine for a violation of a county ordinance shall be a sentence to pay an amount not exceeding:
 - 1. Six hundred dollars for a Class A ~~infraction~~violation; or
 - 2. Three hundred dollars for a Class B ~~infraction~~violation.
 - C. A sentence to pay a fine for a continuing violations of a county ordinance shall not exceed \$1,000.00.

(Ord. 2003-021 §3, 2003; Ord. 2002-016 § 9, 2002; 86-076 § 1, 1986)

1.16.020. Continuing violations.
When a violations is of a continuing nature, a separate violation will be deemed to occur on each calendar day the ~~infraction~~violation continues, and a separate summons and complaint may be filed for each such violation.
(Ord. 2003-021 §4, 2003; Ord. 2002-016 § 9, 2002; 86-076 § 2, 1986)

1.16.030. ~~Infraction~~Violation procedures-Statutory provisions adopted.
The ~~infraction~~violation procedures as set forth in ORS 8.665, 153.030 to 153.145 and 153.990 shall be the procedures for county ordinance ~~infraction~~violations, and are adopted hereby by reference.
(Ord. 2003-021 §5, 2003; Ord. 2002-032 §1, 2002; 2002-016 § 9, 2002; 86-076 § 3, 1986)

1.16.032. Base Fine Amounts and Violation Classification for Water Supply, On-Site Sewage, Building Code, Subdivision Regulations and Land Use Regulation Violations.

- A. Notwithstanding 1.16.030, for violations of Chapters 13.04, 13.08, 15.04 and 15.10 and Titles 17 and 18, the base fine amount shall be the fine amount.
- B. Violations of Chapters 13.04, 13.08, 15.04 and 15.10 and Titles 17 and 18 constitute Class A violations.
(Ord. 2002-032 §1, 2002.)

1.16.035. Search warrants-Statutory provisions adopted.

- A. The definition of "offense" as set forth in ORS 161.505 is adopted: An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is a crime or a violation or an ~~infraction~~violation.

EXHIBIT "C"

B. ORS 133.535 (3), which allows for property that has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense to be the subject of search and seizure is adopted hereby by reference.

C. The procedure established for obtaining search warrants as set forth in ORS 133.545 through 133.703 is adopted hereby by reference.

(Ord. 2003-021 §6, 2003; Ord. 96-025 § 1, 1996)

*** Denotes Code in this Chapter not being changed.

EXHIBIT "D"

Chapter 2.28. HISTORICAL
PRESERVATION AND
HISTORICAL
LANDMARKS
COMMISSION

- 2.28.001. Purpose of provisions.
- 2.28.005. Definitions.
- 2.28.010. Definition-Alteration.
- 2.28.015. Definition-Architectural significance.
- 2.28.020. Definition-Board.
- 2.28.025. Definition-Demolish.
- 2.28.030. Definition-Exterior.
- 2.28.035. Definition-Historical interest.
- 2.28.040. Definition-Historical significance.
- 2.28.045. Definition-Landmark.
- 2.28.050. Definition-Landmarks commission.
- 2.28.055. Definition-Minor alteration.
- 2.28.060. Definition-Planning Division.
- 2.28.070. Historical landmarks commission-Creation, membership, term, vacancy filling and expense reimbursement.
- 2.28.080. Officers, meetings and rules of procedure.
- 2.28.090. Functions and duties.
- 2.28.100. Historical designation criteria.
- 2.28.110. Request for historical designation.
- 2.28.120. Historical building or site-Designation procedure.
- 2.28.130. Historical interest-Designation procedure.
- 2.28.140. Historical district-Designation procedure.
- 2.28.150. Designation not a recommendation for federal action.
- 2.28.160. Exterior alteration and new building restrictions.
- 2.28.170. Demolition permits and condemnation proceedings.
- 2.28.180. Demolished historical buildings-Records and artifact preservation.
- 2.28.190. Identification signs.
- 2.28.200. Redevelopment and neighborhood improvement projects-Review by commission.

- 2.28.210. Appeals from commission decisions.
- 2.28.220. Violation-Penalty.

* * *

- 2.28.220. Violation-Penalty.
Violation of DCC 2.28.160(A), DCC 2.28.170(A) is a Class A infraction/violation.
(Ord. 2003-021 §7, 2003; Ord. 95-027 § 1, 1995; Ord. 93-053 § 1, 1993; Ord. 91-039 § 1, 1991)

Chapter 2.32. Repealed by Ord. 96-075, 1996

Chapter 2.33. Repealed by Ord. 99-006, 1999

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "E"

Chapter 4.08. TRANSIENT ROOM
 TAX

- 4.08.010. Short title.
- 4.08.020. Definitions.
- 4.08.025. Definition-Accrual accounting.
- 4.08.030. Definition-Board.
- 4.08.035. Definition-Cash accounting.
- 4.08.040. Definition-County.
- 4.08.045. Definition-Hotel.
- 4.08.050. Definition-Occupancy.
- 4.08.055. Definition-Operator.
- 4.08.060. Definition-Person.
- 4.08.065. Definition-Rent.
- 4.08.070. Definition-Rent package plan.
- 4.08.075. Definition-Tax.
- 4.08.077. Definition-Site.
- 4.08.080. Definition-Tax Administrator.
- 4.08.085. Definition-Transient.
- 4.08.090. Tax imposed.
- 4.08.100. Applicability.
- 4.08.110. Operator-Collection-Amount.
- 4.08.120. Operator-Collection-Procedure.
- 4.08.125. Personal liability.
- 4.08.127. Penalties-Noncompliance with advertising requirements.
- 4.08.130. Exemptions.
- 4.08.140. Operator-Registration-Form and contents-Execution-Certificate of authority.
- 4.08.145. Operator-Advertising of hotel rentals-Identification required.
- 4.08.150. Returns and payments-Date due.
- 4.08.160. Penalties and interest-Delinquency.
- 4.08.170. Penalties and interest-Continued delinquency.
- 4.08.180. Penalties and interest-Fraud.
- 4.08.190. Penalties and interest-Assessment of interest.
- 4.08.200. Penalties and interest-Penalties merged with tax.
- 4.08.210. Penalties and interest-Petition for waiver.
- 4.08.220. Deficiency determination.
- 4.08.230. Fraud-Refusal to collect-Evasion.
- 4.08.240. Operator delay.
- 4.08.250. Redeterminations.
- 4.08.260. Security for collection of tax.
- 4.08.270. Lien.
- 4.08.280. Refunds.

- 4.08.290. Transient room tax fund.
- 4.08.300. Recordkeeping.
- 4.08.310. Examination of records.
- 4.08.320. Administration-Confidentiality.
- 4.08.330. Appeals.
- 4.08.340. Unlawful acts-Penalty.

* * *

4.08.127. Penalties-Noncompliance with advertising requirements.

It is an ~~infraction~~violation for any operator who places or causes to appear through any medium an advertisement soliciting reservations or rental availability for any location if such advertisement does not include the certificate of authority number as prescribed in DCC 4.08.140. No operator shall fail or refuse to furnish information related to the advertising of any location upon request of the Tax Administrator. Violation of any provision of DCC 4.08.127 is a Class A ~~infraction~~violation.

(Ord. 2003-021 §8, 2003; Ord. 97-073 § 2, 1997)

* * *

4.08.340. Unlawful acts-Penalty.

It is an ~~infraction~~violation for any operator or other person so required to fail or refuse to register as required in DCC 4.08, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Tax Administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by DCC 4.08. Violation of any provision of DCC 4 is a Class A ~~infraction~~violation.

(Ord. 2003-021 §9, 2003; Ord. 95-029 § 1, 1995; Ord. 83-013 § 1, 1983; Ord. 203-3 § 19, 1975)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "F"

Chapter 5.08. **ANTIQUE,
SECONDHAND AND
JUNK DEALERS**

- 5.08.010. **Definitions.**
- 5.08.020. **License required-Fee.**
- 5.08.030. **Exemptions.**
- 5.08.040. **Application for license.**
- 5.08.050. **License revocation conditions.**
- 5.08.060. **Regulation of premises.**
- 5.08.070. **Records required.**
- 5.08.080. **Retention of articles.**
- 5.08.090. **Purchases from minors.**
- 5.08.100. **Nuisance operations.**
- 5.08.110. **Violation-Infraction.**

* * *

5.08.110. Violation-Infraction.
Violation of DCC 5.08 constitutes a Class A
infractionviolation.
(~~Ord. 2003-021 §10, 2003; Ord. 95-030 § 1,~~
1995; Ord. 85-006 § 9, 1985)

* * * Denotes Code in this Chapter not bering
changed.

EXHIBIT "G"

Chapter 5.12. OCCUPANCY
REGULATIONS

- 5.12.010. Definitions.
- 5.12.015. Definition-Dwelling unit.
- 5.12.020. Definition-Overnight.
- 5.12.025. Definition-Owner.
- 5.12.030. Definition-Person.
- 5.12.035. Definition-Rental occupant.
- 5.12.040. Definition-Rents.
- 5.12.045. Definition-Sleeping area.
- 5.12.050. Occupancy limitations.
- 5.12.060. Posting occupancy limitation.
- 5.12.070. Notification.
- 5.12.080. Violation-Infraction.

* * *

5.12.080. Violation-Infraction
Violation of any provision of DCC 5.12
constitutes an infractionviolation as follows:

- A. Any person who rents or offers for rent a dwelling unit in the PC Zone without posting the maximum allowable overnight occupancy commits a class B infractionviolation.
- B. Any person who rents for money a dwelling unit in the PC Zone without informing, in writing, in the rental agreement or by separate document, the prospective rental occupant of the maximum allowable overnight occupancy commits a class B infractionviolation.
- C. Each and every rental occupant occupying a dwelling unit in which the maximum overnight occupancy has been exceeded as provided by DCC 5.12 commits a class B infractionviolation.
- D. Any person who offers for rent or rents a dwelling unit for overnight occupancy to a person with actual knowledge that the person intends to exceed the maximum allowable overnight rental occupancy of the dwelling unit commits a class A infractionviolation.

(Ord. 2003-021 §11, 2003; Ord. 95-030 § 1, 1995; Ord. 91-044 § 1, 1991)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "H"

Chapter 6.04. DOG LICENSES

- 6.04.010. Definitions.
- 6.04.020. Dog licenses required.
- 6.04.030. Dog licenses.
- 6.04.040. Expiration.
- 6.04.050. Fees.
- 6.04.060. Exemptions from license fees.
- 6.04.070. Dogs kept primarily in kennels.
- 6.04.080. Kennel licenses.
- 6.04.090. Violation-Infraction.

* * *

6.04.090. Violation-Infraction.

Violation of any provision of DCC 6.04 is a Class B infractionviolation.

(Ord. 2003-021 §12, 2003; Ord. 90-019 § 1, 1990)

* * * Denotes Code in this Chaper not being changed.

EXHIBIT "I"

Chapter 6.08. ANIMAL CONTROL

- 6.08.010. Definitions.
- 6.08.015. Definition-At large.
- 6.08.020. Definition-Dangerous dog.
- 6.08.025. Definition-Keeper.
- 6.08.030. Definition-Livestock.
- 6.08.035. Definition-Livestock district.
- 6.08.040. Definition-Open range.
- 6.08.045. Definition-Unconfined.
- 6.08.050. Conditions when animals are nuisances.
- 6.08.060. Animals at large.
- 6.08.070. Dangerous dog.
- 6.08.080. Impermissible harboring.
- 6.08.090. ~~Infraction~~Violations.
- 6.08.100. When impoundment of dogs authorized.

6.08.090. ~~Infraction~~Violations.

- A. Except as provided herein, violation of any provision of DCC 6.08 is a Class B ~~infraction~~violation.
- B. Violation of DCC 6.08.050(A)(1), (7) or (8), DCC 6.08.060, DCC 6.08.070 or DCC 6.08.080 is a Class A ~~infraction~~violation.
(~~Ord. 2003-021 §13, 2003; Ord. 98-008 § 1, 1998; Ord. 97-011 § 2, 1997; Ord. 95-031 § 1, 1995; Ord. 90-019 § 1, 1990~~)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "J"

Chapter 8.04. STATE HEALTH
DIVISION LICENSES

- 8.04.010. License required-Restaurant operation.
- 8.04.020. License required-Swimming pool, bath, spa, wading pool or bathhouse.
- 8.04.030. Certificate of sanitation required-Travellers' accommodation or recreation park.
- 8.04.035. License required-Bed and breakfast facility.
- 8.04.040. Violation-~~Infraction~~.

8.04.010. License required-Restaurant operation.

No person shall operate a restaurant, temporary restaurant or limited service restaurant without a current license to do so from the Health Division of the Department of Human Resources of the state.

(Ord. 83-034 § 1, 1983)

8.04.020. License required-Swimming pool, bath, spa, wading pool or bathhouse.

No person shall operate or maintain a public swimming pool, bath, spa, wading pool or bathhouse without a current license to do so from the Health Division of the Department of Human Resources of the state.

(Ord. 83-034 § 2, 1983)

8.04.030. Certificate of sanitation required-Travellers' accommodation or recreation park.

No person shall establish, operate, maintain or manage a travellers' accommodation or recreation park without securing a current certification of sanitation.

(Ord. 83-034 § 3, 1983)

8.04.035. License required-Bed and breakfast facility.

No person shall operate a bed and breakfast facility without a current license to do so from the Health Division of the Oregon Department of Human Resources.

(Ord. 88-025 § 1, 1988)

8.04.040. Violation-~~Infraction~~.

Violation of any provision of DCC 8.04 is a Class B ~~infraction~~ violation.

(Ord. 2003-021 §14, 2003; Ord. 83-034 § 4, 1983)

EXHIBIT "K"

Chapter 8.08. NOISE CONTROL

- 8.08.010. Title.
- 8.08.020. Authority.
- 8.08.030. Purpose.
- 8.08.040. Definitions.
- 8.08.050. Exception for certain farming and forestry practices.
- 8.08.060. Construction.
- 8.08.070. Acts prohibited.
- 8.08.080. Permits-Issuance.
- 8.08.090. Variances.
- 8.08.100. Amendments.
- 8.08.110. Publication and effect of rules.
- 8.08.120. Violation-Infraction-Enforcement.
- 8.08.130. Abatement and removal.

* * *

8.08.120. Violation-Infraction-Enforcement.

- A. Violation of any provision of DCC 8.08 is a Class A ~~infraction~~violation.
- B. It shall be the responsibility of the Deschutes County Sheriff to enforce DCC 8.08.
(Ord. 2003-021 §15, 2003; Ord. 95-032 § 1, 1995; Ord. 83-018 § 1, 1983; Ord. 203.11 § 6, 1980)

* * *

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "L"

Chapter 8.12. **ALARM EQUIPMENT
AND SECURITY
SERVICES**

- 8.12.010. **Definitions.**
- 8.12.015. **Definition-Alarm equipment
supplier.**
- 8.12.020. **Definition-Alarm monitoring
service.**
- 8.12.025. **Definition-Automatic protection
device.**
- 8.12.030. **Definition-Direct line.**
- 8.12.035. **Definition-False alarm.**
- 8.12.040. **Definition-Key.**
- 8.12.045. **Definition-Regular telephone line.**
- 8.12.050. **Definition-Security persons.**
- 8.12.055. **Definition-Sensory detection
apparatus.**
- 8.12.060. **Alarm receivers.**
- 8.12.070. **Automatic protection device-
Restrictions on keying.**
- 8.12.080. **Duties of owner or lessee.**
- 8.12.090. **Equipment supplier-License-
Required.**
- 8.12.100. **Equipment supplier-License
Application.**
- 8.12.110. **Equipment supplier-Denial of
application.**
- 8.12.120. **Equipment supplier-Identification
cards.**
- 8.12.130. **Equipment supplier-Operational
standards.**
- 8.12.140. **Monitoring services-License-
Required-Fee.**
- 8.12.150. **Monitoring service-License-
Application and issuance
conditions.**
- 8.12.160. **Monitoring service-Operational
standards.**
- 8.12.170. **Security personnel-License-
Required-Fee.**
- 8.12.180. **Security personnel-License-
Application.**
- 8.12.190. **Fees.**
- 8.12.200. **Disposition of fees.**
- 8.12.210. **Nonliability of County.**
- 8.12.220. **False alarms-Penalties.**
- 8.12.230. **Suspension or revocation of
licenses.**

8.12.240. **Violation-Penalty.**

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8.12.240. **Violation-Penalty.**

Violation of any provision of DCC 8.12, or disobeying any order of the Sheriff made pursuant to DCC 8.12.220 is a Class A infraction violation.

(Ord. 2003-021 §16, 2003; Ord. 95-032 § 1, 1995; Ord. 83-017 § 1, 1983; Ord. 203.10 § 16.020, 1979)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "M"

Chapter 8.16. ENTERTAINMENT ASSEMBLIES

- 8.16.010. Definitions.
- 8.16.015. Definition-Entertainment assembly.
- 8.16.020. Definition-Health Department.
- 8.16.025. Definition-Sheriff.
- 8.16.030. Permit-Required.
- 8.16.040. Permit-Exceptions.
- 8.16.050. Permit-Fee-Application.
- 8.16.060. Permit-Bond and insurance.
- 8.16.070. Permit-Application-Approval.
- 8.16.080. Permit-Issuance condition one-Sanitary facilities.
- 8.16.090. Permit-Issuance condition two-Fire protection standards.
- 8.16.100. Permit-Issuance condition three-Medical service.
- 8.16.110. Permit-Issuance condition four-Public safety.
- 8.16.120. Permit-Issuance condition five-Parking facilities.
- 8.16.130. Permit-Posting.
- 8.16.140. Inspection of premises.
- 8.16.150. Restricted hours of operation.
- 8.16.160. Operator responsible for preserving order.
- 8.16.170. Crowd limitation.
- 8.16.180. Intoxicating liquor prohibited.
- 8.16.190. Narcotic and dangerous drugs prohibited.
- 8.16.200. Compliance required.
- 8.16.210. Review of Board's action.
- 8.16.220. Violation-Penalty.

comply with DCC 8.16 shall be a separate offense for each such day, and shall be punishable as a continuing ~~infraction~~violation under DCC 1.16.

(Ord. 2003-021 §17, 2003; Ord. 95-032 § 1, 1995; Ord. 86-026 § 1, 1986; Ord. CG-3 (9/16/70) § 13, 1970)

* * * Denotes Code in this Chapter not being changed.

* * *

8.16.220. Violation-Penalty.

Any person who violates or fails to comply with any provisions of DCC 8.16, or who, having obtained a permit under DCC 8.16, willfully fails to continue to comply with the terms and conditions thereunder, or who counsels, aids or abets such a violation or failure to comply commits a Class A ~~infraction~~violation, and shall be punished, upon conviction, by a fine of not more than \$500.00. A failure from day to day to

EXHIBIT "N"

Chapter 8.20. OPEN BURNING

8.20.010. Open burning prohibited when.

8.20.020. Burning permits-Conditions.

8.20.030. Violation-Penalty.

8.20.010. Open burning prohibited when.

No person, outside the boundaries of a rural fire protection district or a forest protection district, shall cause or permit to be initiated or maintained on his own property, or cause to be initiated or maintained on the property of another any open burning of commercial waste, demolition material, domestic waste, industrial waste, land clearing debris or field burning from July 1st through November 1st of each year unless weather conditions require earlier termination of burning, or permit earlier resumption of burning, as determined by the County Fire Defense Board. (Ord. 88-013 § 1, 1988; Ord. 84-027 § 1, 1984; Ord. 84-009 § 1, 1984)

8.20.020. Burning permits-Conditions.

Notwithstanding DCC 8.20.010, burning permits may be issued by the County Commissioners, or their designees, if all three of the following conditions are met:

- A. Evidence is presented that the material must be disposed of prior to November 1st, and that no satisfactory alternative to burning is available;
- B. Appropriate fire-control measures are provided by the permittee as specified by the burning permit to prevent unwanted spread of the fire;
- C. The appropriate permit is obtained from the State Department of Environmental Quality, if under their jurisdiction.

(Ord. 84.027 § 2, 1984; Ord. 84.009 § 2, 1984)

8.20.030. Violation-Penalty.

Violation of DCC 8.20 is a Class A ~~infraction~~ violation.

(Ord. 2003-021 §18, 2003; Ord. 84-027 § 3, 1984; Ord. 84-009 § 3, 1984)

EXHIBIT "O"

Chapter 9.04. DRUG
PARAPHERNALIA

- 9.04.010. Definitions.
- 9.04.020. Display to adults.
- 9.04.030. Display to minors prohibited.

9.04.010. Definitions.
For the purposes of DCC 9.04, unless otherwise apparent from the context, certain words and phrases used in DCC 9.04 are defined as set forth in DCC 9.04.010.

"Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC sections 811 to 812, as modified under ORS 475.035; a drug as defined in ORS 475.005(13), and marijuana, as defined in ORS 475.005(15).

"Drug paraphernalia" means:

- A. Any machine, instrument, tool, equipment or device which is primarily adapted, designed and intended for one or more of the following:
 - 1. To introduce into the human body any controlled substances under circumstances in violation of the laws of the state;
 - 2. To enhance the effect on the human body of any controlled substance under circumstances in violation of the laws of the state;
 - 3. To conceal any quantity of any controlled substance under circumstances in violation of the laws of the state;
 - 4. To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of the laws of the state; and
- B. Those items set forth in ORS 163.575(e)(A) through 163.575(e)(G).
(Ord. 95-033 § 1, 1995; Ord. 82-022 § 1, 1982)

9.04.020. Display to adults.

A. Drug paraphernalia may be lawfully displayed to adults, provided minors are not permitted on the premises. In lieu of prohibiting the entry of minors on the premises, a person may display drug paraphernalia to an adult provided such display is in an area within the premises not open to the entry of minors.

B. Allowing a minor to enter an area within a premises not open to the entry of minors where drug paraphernalia is displayed to adults shall constitute a Class A infractionviolation.

(Ord. 2003-021 §19, 2003; Ord. 82-022 § 3, 1982)

9.04.030. Display to minors prohibited.

A. It is a violation to knowingly display drug paraphernalia in any building, location or premises open to the public in an area where minors may enter or remain.

B. The display of drug paraphernalia to minors shall constitute a Class A infractionviolation.
(Ord. 2003-021 §20, 2003; Ord. 82-022 § 2, 1982)

EXHIBIT "P"

Chapter 9.12. RIGHT TO FARM

- 9.12.010. Short title.
- 9.12.020. Purpose.
- 9.12.030. Definitions.
- 9.12.035. Definition-Facility.
- 9.12.040. Definition-Farming.
- 9.12.045. Definition-Farming practice.
- 9.12.050. Definition-Forest practice.
- 9.12.055. Definition-Nonresource use.
- 9.12.060. Definition-Generally accepted.
- 9.12.065. Definition-Farming and forest practices exclusions.
- 9.12.070. Definition-Nuisance or trespass.
- 9.12.075. Definition-Pesticide.
- 9.12.080. Prohibition on enactments that make farm and forest uses a nuisance or trespass.
- 9.12.090. Protection of farm and forest uses on lands zoned for resource use.
- 9.12.100. Protection of allowed farm and forest uses in zones other than EFU and forest zones.
- 9.12.110. Protection of nonconforming farm and forest uses.
- 9.12.120. Land use ordinances and decisions.
- 9.12.130. Complaints by nonresource users.
- 9.12.140. Farm practices advisory list.
- 9.12.150. Affect on livestock control districts.

9.12.010. Short title.
 This ordinance may be cited as the Deschutes County Right To Farm Ordinance.
 (Ord. 95-024 § 1, 1995)

9.12.020. Purpose.

A. It is the purpose of DCC 9.12 to protect farm and forest-based economically productive activities of Deschutes County in order to assure the continued health, safety and prosperity of its residents. Farm and forest uses sometimes offend, annoy, interfere with or otherwise affect others located on or near farm and forest lands. Deschutes County has concluded in conformance with ORS chapter 30 that persons located on or near farm and

forest lands must accept resource uses and management practices.

B. DCC 9.12 is intended to limit the availability of remedies based on nuisance or trespass, rights of action and claims for relief and issuance of citations for infractionviolations over which Deschutes County has jurisdiction, when they otherwise would either have an adverse impact on farm and forest uses that Deschutes County seeks to protect, or would impair full use of the farm and forest resource base within Deschutes County.

(Ord. 2003-021 §21, 2003; Ord. 95-024 § 2, 1995)

*** Denotes Code in this Chapter not being changed.

EXHIBIT "Q"

Chapter 10.05. RIGHT OF WAY SIGNS

- 10.05.010. Introduction.
- 10.05.020. Definitions.
- 10.05.030. Prohibited uses.
- 10.05.040. Exemptions.
- 10.05.050. Sign types.
- 10.05.060. Application process.
- 10.05.070. Composition.
- 10.05.080. Fees-Installation and maintenance.
- 10.05.090. Criteria for specific information panels.
- 10.05.100. Spacing of signs and panels.
- 10.05.110. Violation-Penalty.
- 10.05.120. Nuisance declared-Removal.

* * *

10.05.110. Violation-Penalty.

A. Any person, firm or corporation erecting, constructing, reconstructing or maintaining a business sign, directional sign, tourist-oriented directional sign, trailblazer or temporary activity sign in violation of the provisions of DCC 10.05 constitutes a Class A infractionviolation and shall be punishable upon conviction by a fine of not more than \$500.00.

B. Each day of a violation described in DCC 10.05.110(A) constitutes a separate offense and is punishable as a continuing infractionviolation under DCC 1.16.

(Ord. 2003-021 §22, 2003; Ord. 95-034 § 1, 1995; Ord. 90-011 § 1, 1990)

10.05.120. Nuisance declared-Removal.

A. Any sign maintained in violation of DCC 10.05 constitutes a nuisance.

B. Nothing in DCC 10.05 shall be construed to limit the authority of the County Road Official pursuant to ORS 368.945.

(Ord. 95-034 § 1, 1995; Ord. 90-011 § 1, 1990)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "R"

**Chapter 10.16. PARADES AND
PROCESSIONS**

- 10.16.010. Permit-Required for certain activities.**
- 10.16.020. Permit-Application-Information required.**
- 10.16.030. Permit-Issuance and route approval conditions.**
- 10.16.040. Appeal procedure.**
- 10.16.050. Permit-Revocation conditions.**
- 10.16.060. Offenses against parade activities.**
- 10.16.070. Funeral processions.**
- 10.16.080. Violation-Penalty.**

*** * ***

10.16.080. Violation-Penalty.
Violation of any provision of DCC 10.16 is a Class B infractionviolation.
(Ord. ~~2003-021 §23, 2003~~; Ord. 86-069 § 7, 1986)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "S"

Chapter 11.04. PUBLIC USE

- 11.04.010. Purpose.**
- 11.04.020. Definitions.**
- 11.04.030. Policies.**
- 11.04.040. Justice building-Searches.**
- 11.04.050. Road closures.**
- 11.04.060. Prohibited activities.**
- 11.04.070. Alienation.**
- 11.04.080. Violation-Penalty.**

11.04.080. Violation-Penalty.

Any violation or failure to comply with any provision of DCC 11.04, except DCC 11.04.030(B), is a Class A infractionviolation.

(~~Ord. 2003-021 §24, 2003; Ord. 96-013 § 1, 1996~~)

******* Denotes Code in this Chapter not being changed.

EXHIBIT "T"

Chapter 12.24. VIOLATION-PENALTY

12.24.010. Civil remedies.

12.24.020. ~~Infraction~~Violations.

12.24.010. Civil remedies.

In case any facility or structure is constructed or proposed to be constructed, maintained, repaired, altered or used in violation of DCC 12.24, such violation shall constitute a nuisance and the county may institute legal proceedings to prevent, enjoin, temporarily or permanently abate, remove or correct the nuisance.

(Ord. 203-7 § 6.020, 1976)

12.24.020. ~~Infraction~~Violations.

Violation of the provisions of DCC 12.04 through DCC 12.24 is a Class B ~~infraction~~violation.

(Ord. ~~2003-021 §25, 2003~~; Ord. 83-016 § 1, 1983; Ord. 203-7 § 6.010, 1976)

EXHIBIT "U"

Chapter 12.28. **DRIVEWAYS AND
STREET
IMPROVEMENTS**

- 12.28.010. Definitions.
- 12.28.015. Definition-Apron.
- 12.28.020. Definition-Curblin.
- 12.28.025. Definition-Curb return.
- 12.28.030. Definition-Driveway.
- 12.28.035. Definition-Driveway approach.
- 12.28.040. Definition-End slopes.
- 12.28.045. Definition-Sidewalk section.
- 12.28.050. Permit-Required.
- 12.28.060. Permit-Application.
- 12.28.070. Permit-Approval and issuance.
- 12.28.080. Public property use restrictions.
- 12.28.090. Prohibited locations.
- 12.28.100. Width of driveway approach
apron.
- 12.28.110. Driveway approaches near alleys.
- 12.28.120. Driveways in areas of limited
street improvements.
- 12.28.130. Construction details.
- 12.28.140. Variances permitted when.
- 12.28.150. Violation-Civil remedies.
- 12.28.160. Violation-Infraction.

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12.28.160. Violation-Infraction.

Violation of any provision of DCC 12.28 is a
Class B infraction/violation.

(Ord. 2003-021 §26, 2003; Ord. 95-035 § 1,
1995; Ord. 83-015 § 1, 1983; Ord. 203-6 § 13,
1975)

* * * Denotes Code in this Chapter not being
changed.

EXHIBIT "V"

**Chapter 12.32. WATER ON PUBLIC
RIGHTS OF WAY**

12.32.010. Prohibited.

12.32.020. Violation-Penalty.

12.32.010. Prohibited.

No person shall permit irrigation water to flow, collect, aggregate, fall or settle upon a public right of way.

(Ord. 83-030 § 1, 1983)

12.32.020. Violation-Penalty.

Violation of DCC 12.32 constitutes a Class B infractionviolation.

(~~Ord. 2003-021 §27, 2003;~~ Ord. 83-030 § 1, 1983)

Chapter 12.35. SIDEWALKS

- 12.35.010. Title for citation.**
- 12.35.020. Purpose of provisions.**
- 12.35.030. Definitions.**
- 12.35.035. Definition-Property owner.**
- 12.35.040. Definition-Sidewalk.**
- 12.35.050. Sidewalk standards.**
- 12.35.060. Repairs.**
- 12.35.070. Sidewalk permit.**
- 12.35.080. Sidewalk requirements for new building construction.**
- 12.35.090. Land division sidewalk requirements.**
- 12.35.100. Developed area sidewalk.**
- 12.35.110. Prohibited activities and uses.**
- 12.35.120. Owners to fill ground between curb and sidewalk.**
- 12.35.130. Liability for sidewalk injuries.**
- 12.35.140. Access during construction.**
- 12.35.150. Variance conditions.**
- 12.35.160. Violation-Nuisance.**
- 12.35.170. Violation-Infraction.**

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12.35.170. Violation-Infraction.
Violation of any provision of DCC 12.35 is a Class B infraction/violation.
(Ord. 2003-021 §28, 2003; Ord. 95-035 § 1, 1995; Ord. 88-014 § 1, 1988)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "X"

**Chapter 13.08. ON-SITE SEWAGE
DISPOSAL AND SEPTIC
TANKS**

13.08.010. Document adopted by reference.

**13.08.020. Construction of pit privies
prohibited.**

13.08.030. Septic location approval.

13.08.040. Permit fees.

13.08.050. Violation-Infraction.

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13.08.050. Violation-Infraction.

A. It is unlawful to construct, alter, repair, operate or maintain on-site sewage disposal systems in the unincorporated areas of the County, or cause the same to be done, contrary to or in violation of any of the provisions of DCC 13.08.

B. Violation of any provision of DCC 13.08 is a Class A infractionviolation.

(Ord. ~~2003-021 §29, 2003; Ord. 83-057 § 4, 1983)~~

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "Y"

**Chapter 13.40. ENFORCEMENT,
APPEALS, PENALTIES**

- 13.40.010. Enforcement.**
- 13.40.020. Appeals-Decisions of the Board.**
- 13.40.030. Appeals-Decisions of the
administrator.**
- 13.40.040. Violation-Penalty.**

13.40.010. Enforcement.
It is the duty of the Board to enforce DCC 13.12
through 13.40.
(Ord. 85-037 § 13.03, 1985)

13.40.020. Appeals-Decisions of the Board.
All decisions of the Board under DCC 13 shall be
reviewable by the Circuit Court of the State for
the County.
(Ord. 85-037 § 13.01, 1985)

**13.40.030. Appeals-Decisions of the
administrator.**
The Board, upon its own motion or upon the
request of an interested person or affected public
agency or public body, may review the decisions
of the administrator made pursuant to DCC 13
and may uphold, modify, rescind or leave
standing the decision of the administrator. The
Board may hold a public hearing with notice to
interested persons, public agencies or public
bodies to review a decision of the administrator.
(Ord. 85-037 § 13.02, 1985)

13.40.040. Violation-Penalty.
Any violation of DCC 13.20.040, 13.24.010,
13.28.010, 13.36.010, 13.36.020, 13.36.030,
13.36.040 or 13.36.045 constitutes a Class A
infractionviolation.
(Ord. ~~2003-021 §30, 2003;~~ Ord. 95-002 § 3,
1995; Ord. 90-008 § 2, 1990; Ord. 86-035 § 1,
1986; Ord. 85-037 § 13.04, 1985)

EXHIBIT "Z"

**Chapter 15.04. BUILDING AND
CONSTRUCTION
CODES AND
REGULATIONS**

- 15.04.010. Specialty codes and building requirements adopted-Enforcement.
- 15.04.020. Repealed.
- 15.04.030. Repealed.
- 15.04.035. Repealed.
- 15.04.037. Repealed.
- 15.04.040. Repealed.
- 15.04.050. Repealed.
- 15.04.055. Repealed.
- 15.04.060. Repealed.
- 15.04.070. Building abatement code-Adopted.
- 15.04.080. Fire code-Adopted.
- 15.04.085. Wildfire hazard zones.
- 15.04.090. Definitions.
- 15.04.100. Mobile homes-Placement permit-Inspection.
- 15.04.110. Expedited construction start.
- 15.04.120. Mobile homes-State certification required.
- 15.04.130. Building permit issuance-Zoning conformance-Planning Department approval.
- 15.04.140. Industrial/Commercial structure-Occupancy certificate required.
- 15.04.150. Building or mobile home placement permit issuance-Zoning and subdivision conformance.
- 15.04.160. Permit fees-Adjustments.
- 15.04.170. Numbers for addresses-Placement.
- 15.04.180. Administration-Enforcement.
- 15.04.190. Conditions deemed a public nuisance.
- 15.04.200. Violation-Penalty.
- 15.04.210. Requirement for water service from water districts.
- 15.04.220. Supply of water for domestic use in conformance with state and federal regulations.

15.04.200. Violation-Penalty.

- A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, structure or mobile home in the unincorporated areas of the County, or cause the same to be done, contrary to or in violation of any of the provisions of DCC 15.04 or any specialty code or building requirement administered by the County pursuant to ORS 455.153.
- B. Violation of any provision of DCC 15.04 or any specialty code or building requirement administered by the County pursuant to ORS 455.153 is a Class A infraction violation. (Ord. 2003-021 §31, 2003; Ord. 96-055 § 2, 1996; Ord. 95-063 § 1, 1995; Ord. 83-056 § 17, 1983)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "AA"

Chapter 15.08. SIGNS

- 15.08.010. Short title.
- 15.08.015. Bend urban area sign code.
- 15.08.020. Purpose.
- 15.08.030. General definitions.
- 15.08.040. Specific definitions.
- 15.08.050. Interpretation.
- 15.08.050. Sign permit.
- 15.08.070. Administration.
- 15.08.080. Exceptions.
- 15.08.090. Repealed.
- 15.08.100. Exempt signs.
- 15.08.110. Temporary signs.
- 15.08.120. Prohibited signs.
- 15.08.130. Wall signs.
- 15.08.140. Freestanding signs.
- 15.08.150. Ground-mounted signs.
- 15.08.160. Monument signs.
- 15.08.170. Outdoor advertising signs.
- 15.08.180. Awnings and canopy signs.
- 15.08.190. Marquee signs.
- 15.08.200. Resource zones.
- 15.08.210. Residential zones.
- 15.08.220. Resort facilities and destination resorts.
- 15.08.230. Restricted commercial zones.
- 15.08.240. General commercial zones.
- 15.08.250. Businesses not classified in a shopping center or business complex.
- 15.08.260. Shopping center complexes.
- 15.08.270. Business complexes.
- 15.08.280. Unincorporated community zones.
- 15.08.290. Industrial zones.
- 15.08.300. Airport development zone.
- 15.08.310. Existing signs-Conformance required.
- 15.08.320. Special requirements.
- 15.08.330. Compliance.
- 15.08.340. Repealed.
- 15.08.350. Abandoned signs.
- 15.08.360. Removal of unsafe signs.
- 15.08.370. Sign measurement.
- 15.08.380. Permitted materials.
- 15.08.390. Illumination standards.
- 15.08.400. Maintenance.
- 15.08.410. Design.
- 15.08.420. Wind loads.

- 15.08.430. Seismic loads.
- 15.08.440. Combined loads.
- 15.08.450. Allowable stresses.
- 15.08.460. Anchorage and supports.
- 15.08.470. Electric sign construction.
- 15.08.480. Clearance from high voltage power lines.
- 15.08.490. Clearance from fire escapes, exits or standpipes.
- 15.08.500. Variance.
- 15.08.510. Repealed.
- 15.08.520. Conditions.
- 15.08.530. Inspection.
- 15.08.540. Enforcement.
- 15.08.550. Violation declared a nuisance.
- 15.08.560. Violation-Infraction.

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15.08.560. Violation-Infraction.
Violation of any provision of DCC 15.08 is a Class A infractionviolation.
(Ord. 2003-021 §32, 2003; Ord. 95-063 § 1, 1995; Ord. 83-025 § 1, 1983; Ord. 81-009 § 1, Exhibit A, § 1.460, 1981)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "BB"

Chapter 15.10. OUTDOOR LIGHTING CONTROL

- 15.10.010. Purpose and intent as relates to residential, commercial and public area lighting.**
- 15.10.020. Purpose and intent as relates to street lighting.**
- 15.10.030. Conformance with applicable codes.**
- 15.10.040. Approved materials and methods of construction or installation/operation.**
- 15.10.050. Definitions.**
- 15.10.055. Definition-Outdoor light fixtures.**
- 15.10.060. Definition-Community Development Department.**
- 15.10.065. Definition-Exempt light fixtures.**
- 15.10.070. Definition-Individual.**
- 15.10.075. Definition-Installed.**
- 15.10.080. Definition-Shielding.**
- 15.10.085. Definition-Fully shielded.**
- 15.10.090. Definition-Partially shielded.**
- 15.10.095. Definition-Directed shielding.**
- 15.10.100. Definition-Unshielded.**
- 15.10.105. Definition-High intensity discharge lamp sources.**
- 15.10.110. Definition-Luminous tube lighting.**
- 15.10.120. Requirements for installation of outdoor lighting.**
- 15.10.130. Submission of plans and evidence of compliance with code-subdivision plats.**
- 15.10.140. Shielding.**
- 15.10.150. Prohibitions.**
- 15.10.160. Externally lighted outdoor advertising signs, billboards.**
- 15.10.170. Exemptions.**
- 15.10.180. Violations and penalties.**
- 15.10.190. Violations constitute public nuisance.**
- 15.10.200. Code requirements tables for shielding.**

15.10.180. Violations and penalties.

For any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance shall constitute a code infraction/violation subject to DCC 18.144.050. (Ord. 2003-021 §33, 2003; Ord. 95-063 § 1, 1995; Ord. 94-024 § 1, 1994)

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* * * Denotes Code in this Chapter not being changed.

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EXHIBIT "CC"

Chapter 15.12. **SYSTEM
DEVELOPMENT
CHARGES**

- 15.12.010. Repealed.
- 15.12.015. Repealed.
- 15.12.020. Repealed.
- 15.12.025. Repealed.
- 15.12.030. Definition-Other governmental unit.
- 15.12.035. Repealed.
- 15.12.040. Repealed.
- 15.12.050. Adoption of system development charges.
- 15.12.060. Application to pay in installments-Order-Priority-Publication.
- 15.12.070. Repealed.
- 15.12.075. Conditions of approval, relief for cash contributions.
- 15.12.080. Repealed.
- 15.12.090. Repealed.
- 15.12.100. Repealed.
- 15.12.110. Segregation and use of revenue.
- 15.12.120. Challenge of expenditures.
- 15.12.130. Hearing of challenge to expenditures.
- 15.12.140. Prohibited construction.

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15.12.140. Prohibited construction.

A. No person, firm or corporation shall construct a structure to which a system development charge applies unless the applicable system development charge has been paid.

B. Violation of DCC 15.12.140 shall be a Class A infraction/violation.

(Ord. 2003-021 §34, 2003; Ord. 95-063 § 1, 1995; Ord. 93-051 § 1, 1993)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "DD"

**Chapter 16.20. VIOLATION AND
INFRACTION**

16.20.010. Violation declared a nuisance.

16.20.020. ~~Infraction~~Violations.

16.20.010. Violation declared a nuisance.

The naming and/or renaming of a road, or the numbering of a structure, in violation of any provision of DCC Title 16, is declared a nuisance. (Ord. 89-010 § 1, 1989)

16.20.020. ~~Infraction~~Violations.

The naming or renaming of a road, or the numbering of or failure to number a structure, in violation of any provisions of DCC Title 16 is a Class A ~~infraction~~violation. (Ord. ~~2003-021 §35, 2003;~~ Ord. 89-010 § 1, 1989)

EXHIBIT "EE"

Chapter 17.12. ADMINISTRATION
AND ENFORCEMENT

- 17.12.010. Minimum standards.
- 17.12.020. Repealed.
- 17.12.030. Administration-Enforcement.
- 17.12.040. Delegation of authority.
- 17.12.050. Planning Director-Duties and responsibilities.
- 17.12.060. Final decision.
- 17.12.070. Preapplication meeting.
- 17.12.080. Statement of water rights.
- 17.12.090. Recording-Application.
- 17.12.100. Sale of subdivision lots prohibited before final approval.
- 17.12.105. Sale of partition parcels prohibited prior to tentative plan approval.
- 17.12.110. Civil relief.
- 17.12.120. Violation-Nuisance.
- 17.12.130. Violation-Infraction.

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17.12.130. Violation~~4~~infraction.

Violation of any provision of DCC Title 17 is a Class A infractionviolation.

(Ord. 2003-021 §36, 2003; Ord. 90-003 § 1, Exhibit A, 1990; Ord. 83-027 § 1, 1983; Ord. 81-043 § 1, Exhibit A, § 2.040, 1981)

* * * Denotes Code in this Chapter not being changed.

EXHIBIT "FF"

Chapter 18.52. SURFACE MINING
ZONE - SM

- 18.52.010. Purpose.
- 18.52.020. Application of ordinance.
- 18.52.030. Uses permitted outright.
- 18.52.040. Uses permitted outright subject to site plan review.
- 18.52.050. Conditional uses permitted.
- 18.52.060. Dimensional standards.
- 18.52.070. Site plan review.
- 18.52.080. Site plan application.
- 18.52.090. Minimum use setbacks.
- 18.52.100. Procedure upon filing of site plan.
- 18.52.110. General operation standards.
- 18.52.115. Extended operating hours.
- 18.52.120. Partial approval.
- 18.52.130. Site reclamation plan.
- 18.52.140. Conditional use criteria.
- 18.52.150. Failure to comply.
- 18.52.160. Preexisting sites, nonconforming sites and registration.
- 18.52.170. Use permits.
- 18.52.180. Monitoring.
- 18.52.190. Nuisances.
- 18.52.200. Termination of the surface mining zoning and surrounding surface mining impact area combining zone.

18.52.180. Monitoring.

The Planning Director or designee shall periodically visit the surface mining site to monitor the surface mining operation. If the Planning Director or designee determines that the operation is not in compliance with the approved site plan and all setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, a citation for an infractionviolation shall be issued.

(Ord. 2003-021 §38, 2003; Ord. 90-014 § 4, 1990)

* * * Denotes Code in this Chapter not being changed.

18.52.150. Failure to comply.

If the Planning Director or designee determines that surface mining activity which has received site plan approval is not being conducted in compliance with the setbacks, standards or conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, or the site plan, the Planning Director or designee may institute enforcement proceedings to require such compliance. Enforcement may include citing for an infractionviolation, injunction proceedings, and any other measures permitted under DCC 18.144.

(Ord. 2003-021 §37, 2003; Ord. 90-014 § 4, 1990)

EXHIBIT "GG"

Chapter 18.144. GENERAL PROVISIONS

18.144.010. Interpretation.

18.144.020. Severability.

18.144.030. Remedies.

18.144.040. Violation declared a nuisance.

18.144.050. ~~Infraction~~Violation.

18.144.060. Repeal.

18.144.070. Repeal of ordinances as affecting
existing liabilities.

18.144.080. Corrections.

18.144.090. Enactment, emergency declared.

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18.144.050. ~~Infraction~~Violation.

The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of any provision of DCC Title 18 or any permit, land use approval or status determination issued or made under DCC Title 18 is a Class A ~~infraction~~violation.

(Ord. 2003-021 §39, 2003; Ord. 93-043 § 26, 1993; Ord. 83-026 § 1, 1983)

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* * * Denotes Code in this Chapter not being changed.

EXHIBIT "HH"

**Chapter 19.120. ENFORCEMENT AND
PENALTIES**

19.120.010. Enforcement.

19.120.020. Penalties for violations.

19.120.030. Injunctive relief.

19.120.040. Evidence.

19.120.050. Abatement.

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19.120.020. Penalties for violations.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of DCC Title 19 commits a Class A infractionviolation, and upon conviction thereof, shall be punishable by a fine of not more than \$500. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of DCC Title 19 is committed or continued by such a person, firm or corporation and such offenses shall be punishable as a continuing infractionviolation as provided in Ordinance No. 82-012.

(Ord. ~~2003-021 §40, 2003;~~ Ord. 86-034 § 1, 1986)

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* * * Denotes Code in this Chapter not being changed.

EXHIBIT "II"

Chapter 21.84. ENFORCEMENT AND PENALTIES

- 21.84.010. Enforcement.**
- 21.84.020. Penalties for violations.**
- 21.84.030. Injunctive relief.**
- 21.84.040. Evidence.**
- 21.84.050. Abatement.**

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21.84.020. Penalties for violations.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of DCC Title 21 commits a Class B infractionviolation, and upon conviction thereof shall be punishable by a fine of not more than \$250. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of DCC Title 21 is committed or continued by such a person, firm or corporation and shall be punishable as a continuing infractionviolation as provided in Ordinance No. 82-012.

(Ord. ~~2003-021 §41, 2003~~; Ord. 86-038 § 2, 1986; Ord. PL-17 § 26(2), 1979)

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* * * Denotes Code in this Chapter not being changed.