

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Adoption.

The "Toledo Municipal Code" is adopted, as compiled, edited and published by Book Publishing Company, Seattle, Washington.
(Ord. 1253 § 1, 1996)

1.01.020 Title--Citation--Reference.

This code shall be known as the "Toledo Municipal Code" and it shall be sufficient to refer to the code as the "Toledo Municipal Code" in any prosecution for any provision or violation thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Toledo Municipal Code." References may be made to titles, chapters, sections and subsections of the "Toledo Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.
(Ord. 1253 § 2, 1996)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Toledo Municipal Code" or to any portion thereof, or to any ordinance of the city of Toledo, Oregon, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.
(Ord. 1253 § 3, 1996)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.
(Ord. 1253 § 4, 1996)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.
(Ord. 1253 § 5, 1996)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 1247, passed March 4, 1996.

The following ordinances, passed subsequent to Ordinance No. 1247, but prior to adoption of this code, are adopted and made a part of this code: Ordinance Nos. 1248, 1249, 1250, 1251, and 1252.

The "Toledo Municipal Code" shall also include the ordinance codified in this chapter, as adopted.
(Ord. 1253 § 6, 1996)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.
(Ord. 1253 § 7, 1996)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.
(Ord. 1253 § 8, 1996)

Chapter 1.04

**GENERAL PROVISIONS
(Reserved)**

Chapter 1.08

COMPREHENSIVE PLAN ADOPTED

Sections:

1.08.010 Documents adopted.

1.08.030 Information added to inventory.

1.08.040 Implementation of policies.

1.08.010 Documents adopted.

The city of Toledo adopts the following documents as part of its land use plan and to complete requirements of periodic review:

- A. The 2020 Vision for Toledo (The 2000 Toledo Comprehensive Land Use Plan) dated April 4, 2001,
- B. The 2000 Toledo Comprehensive Land Use Plan and Zoning Map including the revised Urban Growth Boundary dated April 4, 2001, and
- C. The 2000 Toledo Comprehensive Land Use Plan Inventory dated April 4, 2001, including updated narrative information, maps, and referenced documents developed to fulfill the requirements of the 1995 order for periodic review,
- D. The 1999 Toledo Buildable Lands Inventory dated April 4, 2001,
- E. The 2000 Toledo Capital Facilities Plan dated April 4, 2001.
(Ord. 1285 § 1, 2001)

1.08.030 Information added to inventory.

New factual information may be added to the inventory at any time it becomes available without further action by the city council.
(Ord. 1146 § 2, 1982)

1.08.040 Implementation of policies.

The policies in the plan text will be adhered to and will be implemented by relevant city ordinances or by specific procedures and standards outlined in the plan.
(Ord. 1146 § 3, 1982)

Chapter 1.12

ELECTIONS

Sections:

1.12.010 Methods of nomination.

1.12.020 Petition method.

1.12.030 Declaration of candidacy method.

1.12.040 Time for filing.

1.12.050 Notice of nominations.

1.12.010 Methods of nomination.

Candidates for nominations to elective office may be nominated by either petition or declaration of candidacy.

(Ord. 1161 § 1, 1984)

1.12.020 Petition method.

Any person qualified to hold an elective office in the city of Toledo may file with the city recorder a petition of nomination on forms prepared by the city recorder. The petition shall contain the signatures of at least twenty (20) qualified electors of the city. A separate petition must be filed for each candidate.

(Ord. 1161 § 2, 1984)

1.12.030 Declaration of candidacy method.

As an alternative method of nomination, any person qualified to hold an elective office in the city of Toledo may file with the city recorder a declaration of candidacy on forms prepared by the city recorder. The person filing the declaration shall, at the time of filing, pay to the city recorder a fee set by the city council by resolution.

(Ord. 1161 § 3, 1984)

1.12.040 Time for filing.

All petitions and declarations must be filed with the city recorder not sooner than the fifteenth day after the date of the primary election and not later than the seventieth day before the date of the general election.

(Ord. 1161 § 4, 1984)

1.12.050 Notice of nominations.

Not less than ninety (90) days before each general election, the City Recorder shall post in a public place a list of officers to be elected at the next general election. This notice shall remain posted until the nominations are closed.

(Ord. 1161 § 5, 1984)

Chapter 1.16

RIGHT OF ENTRY FOR INSPECTIONS

Sections:

1.16.010 Application.

1.16.020 Amendment of ordinances.

1.16.030 Inspections.

1.16.040 Search warrants.

1.16.050 Violation--Penalty.

1.16.010 Application.

The procedures provided in this chapter shall apply to inspections made by officers and employees of the city of Toledo relative to fire, sanitation and structural safety of property and premises, existence of nuisances and the improper use of premises under ordinances for the protection of the health, safety and welfare of the public. The provisions of this chapter shall not include inspections involving permits or licenses where the inspection is a condition for obtaining or keeping such permit or license.

(Ord. 852 § 1, 1968)

1.16.020 Amendment of ordinances.

This chapter, where applicable, shall be deemed to be an amendment of, and an addition to, all ordinances of the city of Toledo, regulating the construction, reconstruction, repair, maintenance and use of structures, buildings, property and premises including, but not limited to, ordinances relating to building, fire protection, electrical, sanitation and plumbing codes, dangerous buildings, nuisances and zoning.

(Ord. 852 § 2, 1968)

1.16.030 Inspections.

It shall be the duty of the official or employee of the city charged with the enforcement of an ordinance or such other official or employee as may be designated by the city manager or city council to make routine and periodic inspections of properties and premises within the corporate limits of Toledo to determine whether there is compliance with the laws, rules and regulations which are designed for the protection of the health, safety and welfare of the public; and it shall also be the duty of such persons to make such inspections upon the receipt of complaints or specific or general information indicating the existence of hazardous conditions or noncompliance with such rules, regulations and laws. In the event that any authorized officer or employee of the city of Toledo shall be denied access to any property or premises for the purpose of making an inspection provided for in this chapter then, except as otherwise provided in this chapter, such officer or employee shall not inspect such premises unless and until he shall have obtained from the municipal judge of the city of Toledo a search warrant for the inspection of such premises.

(Ord. 852 § 3, 1968)

1.16.040 Search warrants.

No search warrant shall be issued under the terms of this chapter for the inspection of any property or premises within the corporate limits of the city of Toledo unless and until there shall have been filed with the municipal court of the city of Toledo an affidavit showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, whether it is a routine or periodic inspection or an inspection instituted by complaint or other specific or general information concerning the property or premises or the area in which it is situated. The search warrant issued by the court shall specify the purpose and extent of the inspection which is proposed to be made and the specific property or premises covered by such warrant.

(Ord. 852 § 4, 1968)

1.16.050 Violation--Penalty.

It is unlawful for any person to hinder, delay or otherwise obstruct the inspection of property or premises when such inspection is authorized by a warrant or emergency as provided in the terms of this chapter. Violation of this chapter is a Class B infraction.
(Ord. 1244 § 9, 1996; Ord. 852 § 6, 1968)

Chapter 1.20

GENERAL PENALTY

Sections:

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- 1.20.020 Purpose.**
- 1.20.030 Definitions.**
- 1.20.040 Enforcement authority/ issuance of citations.**
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- 1.20.100 Hearings.**
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- 1.20.130 Additional remedies.**
- 1.20.140 Delinquent forfeitures/lien.**
- 1.20.150 Continuing violations.**

1.20.010 Applicability.

This chapter may be referred to as the civil infraction ordinance of the city of Toledo, Oregon. The procedures set forth in this chapter shall be applicable to all civil infractions so designated by existing ordinances of the city and all future ordinances designating a violation as a civil infraction.
(Ord. 1243 § 1, 1996)

1.20.020 Purpose.

The purpose of this chapter is to provide a convenient and practical forum for a civil hearing and determination of cases arising out of violations of city ordinances denominated as civil infractions.
(Ord. 1243 § 2, 1996)

1.20.030 Definitions.

As used in this chapter, unless the context requires otherwise:

"Civil infraction" means a violation of a city ordinance designated as civil infraction.

"Forfeiture" means the penalty imposed for a civil infraction if a violation is found to have been committed.

"Person" means any person, firm, partnership, corporation or association of persons.
(Ord. 1243 § 3, 1996)

1.20.040 Enforcement authority/ issuance of citations.

A. The city attorney, city recorder, code enforcement officer, community development coordinator, public works director, library director, police chief and sergeant(s), fire chief and parks and recreation director are authorized to enforce violations of city ordinances designated as infractions.

B. The city attorney, city recorder, code enforcement officer, community development coordinator, public works director, library director, police chief and sergeant(s), fire chief and parks and recreation director, in enforcing ordinances designated as infractions pursuant to this chapter, may issue citations to any violator. If the person to be issued a citation is a firm, corporation or any other organization, issuance of a citation to any employee, agent or representative thereof shall be sufficient to confer jurisdiction upon the municipal court.
(Ord. 1243 § 4, 1996)

1.20.050 Arrest or detention prohibited.

No person may be arrested or detained for violation of a city ordinance denominated as a civil infraction.
(Ord. 1243 § 5, 1996)

1.20.060 Citation and complaint.

A. The citation and complaint issued for civil infractions should be in a form as approved by the city attorney and should contain:

1. The name of the city municipal court, the name of the city or city department in whose name the action is brought and the name of the defendant;
2. A statement or designation of the offense in such manner as can be understood by a person making a reasonable effort to do so and the date, time and place of which the offense is alleged to have occurred;
3. The signature of the complainant and a statement that the complainant has reasonable grounds to believe that the person cited committed the offense contrary to law.

B. The citation and complaint shall be signed by the city attorney, city recorder, code enforcement officer, community development coordinator, public works director, library director, police chief or sergeant(s), fire chief or parks and recreation director.

C. Nothing prohibits the municipal court from amending the citation in its discretion, at any time.
(Ord. 1243 § 6, 1996)

1.20.070 Forfeiture amounts.

Civil infractions designated by ordinances of the city are classified and the maximum forfeitures for commission of a civil infraction are as follows:

- A. Class A infraction, one thousand dollars (\$1,000.00);
- B. Class B infraction, five hundred dollars (\$500.00);
- C. Class C infraction, two hundred fifty dollars (\$250.00);
- D. Class D infraction, one hundred dollars (\$100.00).

(Ord. 1243 § 7, 1996)

1.20.080 Response by defendant.

A. When a defendant is served with a civil infraction citation the defendant shall either appear in court at the time indicated in the summons or, prior to such time, deliver to the court the summons, together with a check or money order in the amount of the forfeiture set forth in the summons, and enclose therewith:

- 1. A request for hearing;
- 2. A statement of matters in explanation or mitigation of the events resulting in the charge of a violation; or
- 3. The executed appearance, waiver of hearing and admission appearing on the summons. A statement in explanation or mitigation may also be enclosed with the admission of a civil infraction.

B. In any case in which the defendant personally appears in court at the time indicated in the summons, if the defendant desires to admit the civil infraction and the judge decides to accept the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

C. If the defendant has submitted to the court any written statement in explanation or mitigation, the statement constitutes a waiver of hearing and consent to judgment. The court may declare a forfeiture on the basis of the statement and any testimony or written statement of an authorized city enforcement officer or any other person which may be presented to the court.

(Ord. 1243 § 8, 1996)

1.20.090 Discretionary powers of court.

The court, on its own motion, may direct that a hearing be held for any civil infraction and may enter the appropriate judgment, declare a forfeiture, and remit to the defendant any amount by which the forfeiture assessed is less than the amount posted by the defendant pursuant to Section 1.20.080.

(Ord. 1243 § 9, 1996)

1.20.100 Hearings.

A. Hearing Notice. If the defendant requests a hearing under Section 1.20.080, or the court directs that a hearing be held, the court shall fix a date and time for the hearing and, unless notice is waived, shall, at least five days in advance of the hearing, mail to the defendant a notice of the date and time so fixed.

B. Requirements and Procedures.

1. Trial of a civil infraction shall be by the court without a jury.

2. Trial of a civil infraction shall not commence until the expiration of not less than seven days from the date of the citation or the infraction unless the defendant waives the seven-day period.

3. The city shall have the burden of proving the alleged civil infraction by a preponderance of the evidence.

4. The pretrial discovery rules of ORS Chapter 135 shall apply to civil infractions prescribed pursuant to this chapter.

5. The defendant may not be required to be a witness at a hearing of any infraction pursuant to this chapter.

6. Proof of culpable mental state is not an element of a civil infraction.

(Ord. 1243 § 10, 1996)

1.20.110 City attorney involvement.

A. The city attorney shall have the authority to prosecute any violation of a city ordinance denominated as a civil infraction.

B. At any hearing involving a city infraction, the city attorney may aid in preparing evidence and obtaining witnesses but shall not appear unless counsel of the defendant appears.

(Ord. 1243 § 11, 1996)

1.20.120 Exclusive procedure for imposing forfeiture.

The procedure prescribed by this chapter shall be the exclusive procedure for imposing forfeiture; however, this chapter shall not prohibit any other alternative remedies set forth in this code or the laws to the state, including but not limited to the abatement of nuisances.

(Ord. 1243 § 12, 1996)

1.20.130 Additional remedies.

In addition to any other remedy provided in this chapter, the city attorney, city recorder, code enforcement officer, community development coordinator, public works director, library director, police chief and sergeant(s), fire chief or parks and recreation director may deny or revoke any city license or permit held or applied for by a person owing a forfeiture to the city assessed pursuant to this chapter.

(Ord. 1243 § 13, 1996)

1.20.140 Delinquent forfeitures/lien.

In any case where a forfeiture assessed by the court is not paid, or where there is a default judgment, the city recorder shall enter it into the lien docket of the city and may enter it into the lien docket of Lincoln County, Oregon. The amount of the forfeiture against any real or personal property of the defendant within the city, and the forfeiture, after being filed as a lien, shall be collected in the same manner as other liens owing to the city or in any other manner allowed by law for the collection of a debt.

(Ord. 1243 § 14, 1996)

1.20.150 Continuing violations.

When a civil infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day that the civil infraction continues, and a separate citation may be issued for each such civil infraction.

(Ord. 1243 § 15, 1996)