

**IN THE CITY COUNCIL  
FOR THE CITY OF HOOD RIVER, OREGON**

**ORDINANCE NO. 2063**

**An Ordinance amending Title 1 (General Provisions) Chapter 1.10 (Civil Enforcement), and  
Title 2 (Administration and Personnel) Chapter 2.48 (Emergency Operations) of the Hood  
River Municipal Code, to specifically provide for Civil Enforcement of Emergency  
Declarations and Orders, and Declaring an Emergency**

The Hood River City Council finds as follows:

**WHEREAS**, Hood River Municipal Code (HRMC) Chapter 2.48 (Emergency Operations) currently provides for the issuance of Emergency Declarations and Orders by the City Manager, Mayor and City Council to address emergency situations where extraordinary measures are needed to address the emergency situation; and

**WHEREAS**, the HRMC currently provides comprehensive authority and a procedure for enforcing all non-criminal requirements, standards and prohibitions of the Municipal Code through the Civil Enforcement Chapter 1.10; and

**WHEREAS**, the broad authority of the Civil Enforcement Chapter implicitly includes enforcement of the requirements and prohibitions of an Emergency Declaration that the City Manager, Mayor and Council may issue pursuant to Chapter 2.48; and

**WHEREAS**, the Council sees a need to make explicit the authority in HRMC Chapter 1.10 to enforce the requirements and prohibitions of an Emergency Declaration or Order issued pursuant to Chapter 2.48; and

**WHEREAS**, the City Council considered an amendment to HRMC Chapter 1.10 (Civil Enforcement) at its regular meeting on July 12, 2021 to include the authority to enforce Emergency Declarations and Order issued pursuant to HRMC Chapter 2.48; and

**WHEREAS**, the City Council accepted all manner of testimony and public comment on the proposal in a public hearing at the July 12, 2021 meeting.

**NOW, THEREFORE**, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

**Section 1 – Adoption, Amendment and Renumbering.** Title 1 (General Provisions) Chapter 1.10 (Civil Enforcement), Sections 1.10.010 (Purpose and Applicability), 1.10.020 (Definitions), and 1.10.030 (Compliance Required and Civil Infractions) of the Hood River Municipal Code are hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference. All unamended sections of HRMC Chapter 1.10 shall be renumbered sequentially.

**Section 2 – Adoption and Amendment.** Title 2 (Administration and Personnel) Chapter 2.48 (Emergency Operations), Section 2.48.070 (Penalty) of the Hood River Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**Section 3. – Emergency Declaration.** This Ordinance and the amendments to the Hood River Municipal Code it enacts are necessary for the immediate protection of the public health, safety and welfare due to the extreme heat and dry conditions that all of Hood River County is experiencing. There exists and imminent need to provide clarity and express enforcement authority for all emergency declarations and orders issued to respond to the current extreme fire danger and to limit the likelihood of fires in the City. For this reason, this Ordinance shall take immediate effect upon its second reading.

**Section 4 – Severability.** If any portion of this ordinance or the amendment to HRMC Chapters 1.10 and 2.48 adopted herein is determined to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance or the remaining chapters and provisions of the HRMC.

Read for the First Time on July 12, 2021.

Read for the Second Time and approved on July 26, 2021.

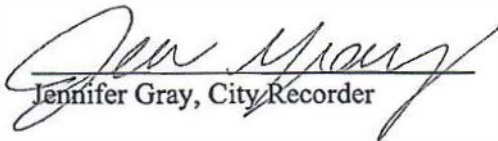
This Ordinance shall take effect immediately upon second reading.


AYES: 6  
NAYS: 1  
ABSTAIN: 0  
ABSENT: 0

  
\_\_\_\_\_  
Kate McBride, Mayor

ATTEST:

Approved as to form:

  
\_\_\_\_\_  
Jennifer Gray, City Recorder

  
\_\_\_\_\_  
Daniel Kearns, City Attorney

## **EXHIBIT A**

Language to be deleted in ~~strike through~~, new language to be added underlined

### **Chapter 1.10 – Civil Enforcement**

#### **1.10.010 Purpose and Applicability**

This Ordinance provides a process for enforcing all noncriminal requirements of the Hood River Municipal Code, including the City's land use regulations in HRMC Titles 16 and 17, nuisance requirements in HRMC Titles 8 and 9, Emergency Declarations and Orders issued pursuant to HRMC Chapter 2.48, and all other ordinances, regulations, permits, licenses or approvals issued by the City pursuant to the City's permitting or regulatory authority. Where any city ordinance provides its own or a different enforcement procedure, those procedures shall be in addition to those provided in this chapter. The civil process set forth in this chapter is designed to provide prompt notice to property owners and other interested parties that appear to be in violation of the City's requirements and to guarantee those accused of an infraction the right to an evidentiary hearing on the alleged infraction. The process is designed to provide a measure of certainty to the citizens of Hood River that violations will be addressed promptly and decisively and to ensure that the due process rights of those accused of infractions are protected. This chapter shall apply to all infractions of any provision of the Hood River Municipal Code and any other regulatory ordinance adopted by the City and also provides a mechanism for enforcing the requirements of any permit, license or other approval granted by the City. This chapter shall not apply to criminal matters and does not provide for criminal sanctions.

#### **1.10.020 Definitions**

For the purposes of this chapter the following definitions shall apply:

A. "Civil infraction" means the violation or failure to comply with any provision of the Hood River Municipal Code, an Emergency Order or Declaration issued pursuant to HRMC 2.48, and any other city ordinance that imposes legal obligations or regulations on people, corporate entities, property or activities. Civil infraction also includes any violation or failure to comply with any provision or requirement of a permit, order, license or approval granted by an authorized city official, the City council or other decision maker.

\* \* \*

#### **1.10.030 Compliance Required and Civil Infractions**

A. No person or other entity shall engage in, or cause to occur, any use, development, construction, reconstruction, alteration, or maintenance of any property, building, structure or vehicle, or alter or use any land in violation of the Code or in violation of any permit or city approval. No person or other entity shall engage in any use of property, or allow a use of property under their ownership or control, that is prohibited by the Code. No person shall fail to pay any charge or fee due the City when such failure to pay is made a civil infraction.

B. No permit for the construction, occupation or use of a property, building, structure or business shall issue when that property, building, structure or business is in violation of any requirement of the code or state law. No permit for the construction, occupation or use of a property, building,

structure or business shall issue when the subject property is the product of a subdivision or partition that failed to comply with the applicable subdivision or partition requirements.

C. Failure to obtain a permit or other approval when required to do so by the Code shall constitute a nuisance and a civil infraction. Violation of any provision of the Code enforced under this chapter may constitute grounds for revocation, nonrenewal or denial of a permit issued by the City.

D. Failure to comply with any lawful Emergency Declaration or Order issued pursuant to HRMC 2.48 (Emergency Operations) is a civil infraction and a nuisance, enforceable under this Chapter.

DE. Violation of any requirement of this section is a civil infraction and a nuisance. Each day a violation exists or is allowed to exist shall constitute a separate civil infraction that can give rise to a separate citation, conviction and fine.

## **Chapter 2.48 – Emergency Operations**

### **2.48.070 Penalty**

Any person who violates any provision of this Ordinance and any order adopted or enacted under authority of this Ordinance shall be punished as provided in Chapter ~~1.121.10~~ (Civil Enforcement)