

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title-Reference-Citation.
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- 1.01.040 Title, chapter and section headings.
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- 1.01.070 Severance of invalid provisions.
- 1.01.080 Publication, distribution, revision and changes.

1.01.010 Adoption.

A. The Douglas County Code, as adopted and as amended by ordinances of Douglas County, shall be compiled, edited and published in accordance with this chapter. The Douglas County Code shall be filed in the office of the Douglas County Clerk.

B. The Douglas County Code comprises all ordinances, including amendments, that have been adopted in accordance with the laws of the State of Oregon by the board of county commissioners or by the voters through the exercise of initiative or referendum powers, except the land use and development ordinance and other ordinances omitted from the code at the direction of the board of county commissioners.

C. Every ordinance adopted after January 1, 1997, **except ordinances that govern land use and development**, will be included in the Douglas County Code, unless the ordinance states otherwise.

D. Omission from the Douglas County Code will not affect the validity of an ordinance. (Ord. 97-1-3, 1997)

1.01.020 Title--Reference--Citation. The Douglas County Code may be referred to or cited herein as "the code" or "this code". It may be referred to or cited as the Douglas County Code in any prosecution for the violation of any provision the code or a codified ordinance or in any proceeding at law or equity. Any ordinance amending or repealing all or any part of a codified ordinance may be designated as an amendment

to or repeal of a chapter, section, or subsection of the Douglas County Code. (Ord. 97-1-3, 1997)

1.01.030 Reference Applies to All Amendments. References or citations to this code, or to any ordinance of Douglas County that has been codified will apply to and include all amendments to the code or ordinance. (Ord. 97-1-3, 1997)

1.01.040 Title, Chapter and Section Headings. Title, chapter, and section headings contained in the code 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 of the code.

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 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.

1.01.060 Effect of Code on Past Actions and Obligations. The adoption, repeal, or amendment of a chapter, section, or subsection of this code or any codified ordinance will not affect pre-existing rights or obligations under the code or ordinances or prosecutions for violations of the code or ordinances which were committed prior to the effective date of the adoption, repeal, or amendment. (Ord. 97-1-3, 1997)

1.01.070 Severance of invalid provisions.

A. If any chapter, section, or subsection of this code or a codified ordinance is held for any reason to be invalid by any court with proper jurisdiction, such decision shall not affect the validity of the remaining provisions of this code, unless application and enforcement of remaining provisions of the code would be absurd after severance of the invalid chapter, section, or subsection.

B. If the codification of any ordinance is for any reason held to be invalid by any court with proper jurisdiction then the original ordinance or ordinances, if otherwise valid, shall be in full force and effect. (Ord 97-1-3, 1997)

1.01.080 Publication, distribution, revision and changes.

A. The county counsel, under the direction of the board of county commissioners, shall compile, publish, and distribute the ordinances of Douglas County in this code and shall establish policies for the codification of ordinances and the revision, indexing, printing, sale, and distribution of the code.

B. In preparing editions of the code for publication and distribution, the county counsel shall not alter the sense, meaning, effect, or substance of any ordinance, but, within such limitations, the county counsel may renumber chapters, divisions, sections, and other parts of the code; change the wording of title, chapter, division, and section headings; rearrange chapters, divisions, sections, and other parts; change reference numbers to agree with renumbered chapters, divisions, sections, or other parts; strike

out figures or words which are merely repetitious; change capitalization for the purpose of uniformity; and correct manifest clerical, numerical, grammatical, or typographical errors.

C. Any ordinance codified by the county counsel that does not comply with subsection B of this section will not be valid and will be superseded by the correct provisions of the ordinance.

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.011 Definitions in particular ordinances.
- 1.04.012 Definitions contained in applicable laws.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.083 Ordinance vote.
- 1.04.084 Conflicts.
- 1.04.090 Repeal not to revive any ordinances.

1.04.010 Definitions. As used in the Douglas County Code, the following words and phrases, shall be construed as defined in this section unless section 1.04.011 requires a different meaning or the context in which the word or phrase is used clearly implies or requires a different meaning:

- A. "Board and "board of commissioners" each means the board of commissioners of Douglas County.
- B. "Code" means the Douglas County Code.
- C. "Codified ordinance" means any ordinance contained in the code.
- D. "Commissioner" means the person holding the office of county commissioner of Douglas County.
- E. "County" means the county of Douglas.
- F. "Law" denotes the Constitution, statutes, regulations, rules, and executive orders of the United States; the Constitution, statutes, and administrative rules of the State of Oregon; the ordinances, administrative rules, orders, and resolutions of Douglas County; and other legal requirements of governmental agencies that may apply to the section of the code in which a reference to "law" is made.
- G. "Entity" means any governmental agency, association, partnership, corporation, limited liability company, joint venture; or other juristic person.
- H. "Governmental agency" means any federal, state, or local governmental body or agency.

I. "Improvements" means any buildings, structures, fixtures, and other improvements physically attached to land.

J. "May" signifies a discretionary or permissive act.

K. "Month" means a calendar month.

L. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

M. "Ordinance" means an ordinance of Douglas County adopted, amended, or repealed by the board or by the voters, through the exercise of initiative or referendum powers, in accordance with applicable laws of the State of Oregon.

N. "Owner" with reference to real property means any person or entity that owns all or part of a fee simple absolute, a defeasible fee, a life estate, or a purchaser's interest under a land sale contract, individually, in tenancy by the entirety, or as a tenant in common.

O. "Person" means a natural person.

P. "Personal property" means and includes goods, chattels, and other tangible property that is not attached to land or incorporated in improvements, such as vehicles, vessels, merchandise, stock in trade, furniture, livestock, tools, and movable equipment, and intangible property such as money at interest; bonds, notes, claims, demands, and all other evidences of indebtedness; shares of stock in corporations, joint stock companies, or associations; documents; computer software; contracts and contract rights; and patents, trademarks, trade secrets, and copyrights.

Q. "Preceding" and "following" mean next before and next after, respectively.

R. "Property" includes real and personal property.

S. "Real property" includes lands and improvements .

T. "State" means the State of Oregon.

U. "Tenant" and "occupant," include any person or entity that occupies the whole or a part of real property alone or with others.

V. "Will", "shall", and "must" all signify mandatory acts or obligations.

W. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

X. "Year" means a calendar year. (Ord. 87-3-1 §1, 1987; Ord. 97-1-4 §1, 1997)

1.04.011. Definitions in particular ordinances. Definitions for words and phrases contained in a particular codified ordinance, for the purposes of that codified ordinance, supersede the definitions stated in section 1.04.010. (Ord. 97-1-4, §2, 1997)

1.04.012. Definitions contained in applicable laws. If the subject matter of a codified ordinance is governed by applicable statutes and administrative rules of the State of Oregon, definitions contained in those statutes and administrative rules will apply to words and phrases that are not specifically defined in section 1.04.010 or in the codified ordinance. (Ord. 97-1-4, §3, 1997)

1.04.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the county. (Ord. 87-3-1 §2, 1987)

1.04.030 Interpretation.

A. Technical and specialized words and phrases which are not defined in section 1.04.101, other ordinances, or applicable laws of the State of Oregon shall be construed in accordance with the usage of the field, trade, or profession that is the subject of the ordinance in which the words and phrases are used. All other words shall be construed according to the common and approved usage of the of the language.

B. Any interpretation of an ordinance shall be based on the purpose and intent of the ordinance. Every word and phrase in this code should be interpreted to give consistent, rational meaning and effect to the chapter, section, subsection, clause, and sentence in which the word or phrase appears, if it is possible do so.

C. The phrase "without limitation" may be deemed to follow the words "includes" and "including" when referring to a class of powers, things, acts, occurrences, obligations, conditions, or prohibitions unless the chapter, section, subsection, clause, or sentence in which the words appear states otherwise or unless the context clearly implies otherwise.

D. When in the administration of any codified ordinance there is doubt regarding the intent of the ordinance, the board may request an opinion from the county counsel on the appropriate interpretation of the ordinance. If any county officer, advisory body, or employee is responsible for administration of the ordinance, the county counsel shall consult that officer, advisory body, or employee before issuing an opinion to the board. The board may then either issue a written interpretation or amend the ordinance as the board deems necessary to resolve any question. A written interpretation alone will not be deemed to amend the ordinance. (Ord. 87-3-1 §3, 1987; Ord. 97-1-4, §4 1997)

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the county, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 87-3-1 §4, 1987)

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 87-3-1 §5, 1987)

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the county, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 87-3-1 §6, 1987)

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and

including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 87-3-1 §7, 1987)

1.04.080 Construction. (deleted Ord. 97-1-4, §5, 1997)

1.04.083 Ordinance vote. Ordinances enacted by a vote of the people can thereafter be amended or repealed only by another vote of the people. (Initiative #10-79, 1998)

1.040.084 Conflicts. In the event that there is a conflict between an ordinance adopted by a vote of the people, and an ordinance enacted by a vote of the county commissioners, the ordinance enacted by a vote of the people shall control, and the conflicting terms of the ordinance enacted by a vote of the county commissioners shall be void. (Initiative #10-80, 1998)

1.04.090 Repeal not to revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed. (Ord. 87-3-1 §9, 1987)

Chapter 1.08

GENERAL PENALTY

Sections:

1.08.010 Violations--Penalties. Unless otherwise specified, a violation of any ordinance of the county shall be punishable, upon conviction, by a fine of not more than five hundred dollars for a noncontinuing offense and a fine of not more than one thousand dollars for a continuing offense. (Ord. 87-3-1 §10, 1987; Ord. 2004-03-04, 2004)