

CITY OF COVE, OREGON
Resolution Number: 2022-2

**A RESOLUTION ESTABLISHING FINES, FEES AND ASSESSMENTS
AGAINST VIOLATION OF THE CITY OF COVE ORDINANCES AND
REGULATIONS; AND SUCH OTHER AWARDS MADE BY THE CITY OF COVE
AND THE MUNICIPAL COURT**

The City of Cove does ordain as follows:

Section 1 SHORT TITLE. This Resolution may be referred to as the “Fines Resolution”.

Section 2 FINES.

- a) A minimum of \$50.00 fine will be assessed for conviction of a Nuisance violation or court awarded fines whichever is greater.

Section 3 FORFEITURE

- a) Forfeitures as defined in the Municipal Court Ordinance shall be \$50.

Section 4 FINES, FEES, and ASSESSMENTS

- a) Cost of holding a court hearing shall be assessed for each time court is convened for the same unresolved offense at the following rates:
 - 1. Court Room (per session) \$30.00
 - 2. Code Enforcement Officer, time accrued for investigation of complaints, posting, testifying and reporting of violations \$20.00/hour
 - 3. Travel time and equipment:
 - i. Vehicle rate \$.58.5
 - ii. Travel to and return from court hearings by Code Enforcement Officer \$.58.5
 - 4. Witness expenses;
 - i. The laws of the State of Oregon governing the payment of witnesses in justice court shall be and they are hereby adopted in their entirety for municipal court as the per diem payment and per mileage payment for witnesses.
 - 5. Abatement cost \$ actual plus Code Enforcement Officer time \$, equipment cost \$, and Recording fee \$100.00 for liens and filings.
 - 6. Filing Fees as charged by Union County Circuit Court.
 - 7. The City Attorney of Record’s contracted hourly rate.
- b) Minimum fines notwithstanding any provision of any other ordinance of the City of Cove, the Municipal Court shall not defer, waive, suspend or otherwise reduce the fine for a violation of a city ordinance to an amount below the minimum fine required by this resolution.
 - 1. If a person is convicted of any city ordinance, and if the conviction is the first conviction of that city ordinance within a 12-month

period, then the minimum fine shall be 20% of the maximum fine established for the violation of which the person was convicted.

2. If a person is convicted of any city ordinance, and if the conviction is the second conviction of that city ordinance within a 12-month period, then the minimum fine shall be 50% of the maximum fine established for the violation of which the person was convicted.
3. If a person is convicted of any city ordinance, and if the conviction is the third conviction of that city ordinance within a 12-month period, then the minimum fine shall be 100% of the maximum fine established for the violation of which the person was convicted.
4. All subsequent convictions within a 12-month period of violation shall be the maximum for which the person was convicted except as described in C) 2. below.

c) Maximum fines:

1. If an ordinance or resolution does not set a maximum fine then this Resolution will govern the amount of the maximum fine. The maximum fine shall be \$500.
2. The maximum fine shall be increased by \$50 if the violation is considered to be a chronic violation by the city of Cove as stipulated in the Nuisance Ordinance.

- d) Assessment, for failure to pay any fines, fees or other assessed cost in whole when requested, shall accrue interest rate of 6% per year to be added to any remaining balance owed to the City or Courts.

Section 4 WITNESS REFUSAL

- a) Refusal of witnesses to attend or refuse to testify when summoned to appear before the court, the court shall summarily impose upon person or persons a fine not to exceed \$100, unless the person or persons shall purge themselves of such contempt by showing their inability to attend and testify as required by the subpoena served on them.

PASSED by the City Council of the City of Cove, Oregon, and signed by the Mayor of Cove, Oregon, this ____ day of _____, 2022.

Sherry Haeger, Mayor

ATTEST: _____
Sherry Riley, City Recorder