

(5) Nothing in this section shall limit the inherent power of the municipal court to impose criminal penalties for contempt of court in cases where it deems such sanctions appropriate.

1.255 Schedule of Forfeitures.

(1) Infractions are classified for the purpose of determining forfeitures into the following categories:

- (a) Class A infractions;
- (b) Class B infractions;
- (c) Class C infractions;
- (d) Class D infractions.

(2) An assessment of a forfeiture for an infraction assessment to pay an amount not exceeding:

- (a) Five hundred dollars for a Class A infraction;
- (b) Two hundred fifty dollars for a Class B infraction;
- (c) One hundred dollars for a Class C infraction;
- (d) Fifty dollars for a Class D infraction.

(3) Infractions of city ordinance are classified as set forth in Schedule B attached to the ordinance codified in sections 1.215 to 1.260 and incorporated herein by reference.

1.260 Schedule of Applicable Code

Sections. The civil infraction procedure prescribed by sections 1.215 to 1.255 applies to the code section or sections listed below. The class of infraction for violation of the code section or sections is also indicated below.

(1) Sections 3.250 to 3.280, Street Contractors - Class B Infraction;

(2) Section 5.560, Parks - Class B Infraction;

(3) Sections 5.650 to 5.725, Explosives - Class A Infraction;

(4) Sections 5.750 to 5.785, Blasting - Class A Infraction;

(5) Sections 6.040 to 6.230, Traffic - Class A Infraction;

(6) Sections 6.300 to 6.305, Off-Road Vehicles - Class A Infraction;

(7) Sections 6.400 to 6.405, Motor Vehicles - Class B Infraction;

(8) Sections 7.000 to 7.080, Business Licenses - Class A Infraction;

(9) Sections 8.000 to 8.035, Building Code - Class A Infraction;

(10) Section 8.075, Uniform Fire Code - Class A Infraction;

(11) Sections 8.100 to 8.155, Moving of Buildings - Class A Infraction;

(12) Sections 8.200 to 8.215, Fences - Class A Infraction.

(13) Section 3.300 – Class A infraction.

[Subsection (13) added by Ordinance No. 1449, adopted 05-22-00.]

(14) Sections 4.500 to 4.526 – Class A infraction.

[Subsection (14) added by Ordinance No. 1452, adopted 06-12-00.]

(15) Section 5.477 – Class A infraction.

[Subsection (15) added by Ordinance No. 1453, adopted 06-12-00.]

STOP WORK AUTHORITY

1.300 Definitions

The following definitions shall apply in Sections 1.300 to 1.360:

A. City official means the city manager, city department heads, city police officers, city code enforcement officers, and professional employees of the city's Engineering, Public Works, Planning, and Building Departments. The city manager, city police officers, and code enforcement officers shall have authority under Section 1.310 as to any violation. Department heads, and professional employees of the city's Engineering, Public Works, Planning and Building Departments shall have authority under Section 1.310 as to code provisions, permits, and approvals that they are responsible for administering.

B. Code includes the West Linn Municipal Code, the West Linn Community Development Code, and all permits and approvals issued by the City of West Linn.

1.310 Authority to issue stop work

orders. When necessary to stop a violation of or to obtain compliance with any Code provision, a city official may issue stop work orders requiring that all work relating to the violation, except work directly related to elimination of the violation, be immediately and completely stopped. The stop work order shall be in writing and shall include:

- A. The date of the order;
- B. Permit number, where applicable;
- C. Site address, legal description or project location;
- D. A description of all violations; and
- E. The conditions, if any, under which the work may resume.

1.320 Scope of Stop Work Orders.

A. A stop work order issued under Section 1.310 shall be effective when posted in a conspicuous location at the site of the work. A copy of the stop work order shall be mailed by certified mail or hand delivered to the owner of the property and to any other person in violation of any code provision. The stop work order shall be effective until:

- 1. The necessary permit is obtained;
- 2. The city manager or the department head with responsibility for administration of the code provision issues a written approval for work to continue based on a finding that the violation has been cured; or
- 3. The stop work order is withdrawn on appeal.

Except as provided in this section, no person may engage in any activity covered by the stop work order while the stop work order is in effect.

B. With the written approval of the city manager or the department head with responsibility for administration of the code provision or permit, any person may undertake work that is necessary to avoid a threat or hazard to persons or property that would result if work is left unfinished.

C. If an appeal is filed with the city manager, the work may continue if a bond is provided in a sufficient amount to pay for the removal of any work and the return of the property to its previous condition and the city manager determines that continuation of the work will not result in irreparable harm. If the stop work order is upheld by the city manager and city council as provided in Section 1.330, all work performed under this subsection shall be removed by appellant within fifteen days of the final decision by the city on the appeal except as otherwise permitted in writing by the city manager.

D. When an emergency condition exists, a city official may issue a stop work order orally. An emergency condition exists at any time when continuing the work would have an irreversible effect. A written notice confirming the oral stop work order must then be issued, posted and mailed within twenty-four hours.

1.330 Appeal.

The owner of the property where the work was performed and any other person affected by a stop work order may appeal the stop work order by filing a written appeal with the city manager at any time while the stop work order is still in effect. The city manager shall decide the appeal within two business days of receiving the written appeal by issuing a written decision and providing copies of the decision to the appellant, the property owner if different, and the city official who issued the stop work order. The appellant may appeal the city manager's decision to the city council by filing a written request for hearing within ten days of the city manager's decision. On receipt of the written request for hearing, the city manager shall set the matter for hearing before the city council at the next city council meeting and shall advise the person requesting the hearing of the date and time of the hearing.

1.340 Appeal Procedures and Standards.

If the matter is appealed to the city council, the city council shall decide the matter after a public hearing at which the appellant and any other person may give evidence and provide argument. The city council shall decide the issue by motion. In deciding an appeal, the issues to be considered by the city manager or the city council are:

- A. Whether work was performed;
- B. Whether a city permit or approval was required for that work;

- C. Whether the required permit or approval was issued; and
- D. Whether the stop work order violated any constitutional, statutory, code, or common law requirements.

Failure of an appellant to raise an issue shall be a waiver of the issue.

1.350 Judicial Review of the City Council Decision.

The city council decision on an appeal of a stop work order is a quasi-judicial decision and is subject to judicial review on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

1.360 Noncompliance.

A. Failure to comply with a stop work order is a civil infraction punishable by a civil penalty of up to one thousand dollars per day for each day during which work continues after a stop work order is issued. Work performed as authorized under Section 1.320 is not a failure to comply with a stop work order.

B. It is a civil infraction to intentionally remove, obscure, mutilate or otherwise damage a posted stop work order while the order remains in effect.

C. The remedies provided by this chapter are cumulative and are in addition to any other remedies provided by common law, statute or ordinance. Any work performed in violation of this chapter is a nuisance that may be abated as provided in Sections 5.400 through 5.530 of this code.

[Subchapter "Stop Work Authority" added by Ordinance No. 1485, adopted April 17, 2002.]

REAL PROPERTY COMPENSATION