

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE AMENDMENT )  
OF CHAPTER 800, UNIFORM CIVIL ) ORDINANCE AMENDMENT  
INFRACTION PROCEDURE ORDINANCE ) NO. 57.02 B  
\_\_\_\_\_ )

WHEREAS, The Klamath County Board of Commissioners first passed the Uniform Civil Infraction Procedure Ordinance No. 57.00 B on August 30, 1989; and

WHEREAS, the Ordinance was modified by Ordinance No. 57.01 B on January 8, 1992; and

WHEREAS, the Klamath County Board of Commissioners recently changed the Social Gaming Ordinance, Klamath County Code Chapter 601; and

WHEREAS, the Klamath County Board of Commissioners is currently considering proposed changes to the Nuisance Control Ordinance, Klamath County Code Chapter 401, and the Animal Control Ordinance, Klamath County Code Chapter 403; and

WHEREAS, it is necessary to make the Uniform Civil Infraction Procedure Ordinance consistent with these changes;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

1. The current Klamath County Code Sections 800.140 and 800.900 be changed to read as follows:

2. This Ordinance is hereby declared to be an emergency ordinance as it is necessary for the continued smooth administration of the Klamath County Code and thus ensures the economic stability, welfare and safety of Klamath County and is to be effective upon execution.

3. The Amended Ordinance Sections are as follows:<sup>1</sup>

**800.140 Hearing.**

(1) Every hearing to determine whether an infraction has been committed shall be held before the district court without a jury.

(2) The defendant may be represented by legal counsel, but legal counsel shall not be provided at public expense. If legal

---

<sup>1</sup> New additions to the Code are underlined and bold face and deletions are lined out.

counsel is to appear, written notice shall be provided to the court at least ten days prior to the hearing date.

(3) Klamath County may be represented by legal counsel or the designated Klamath County Enforcement Officer.

**800.900 Schedule of Penalties.**

(1) Infractions are classified for the purpose of determining penalties in the following categories:

- (a) Class 1 civil infractions.
- (b) Class 2 civil infractions.
- ~~(c) Class 3 civil infractions.~~

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

- ~~(a) \$1,000.00 for Class 1 civil infractions;~~
- (~~b~~) (a) \$ 500.00 for Class 2 1 civil infractions;
- (e) (~~b~~) \$ 250.00 for Class 3 2 civil infractions;
- ~~(d) \$ 100.00 for Class 4 civil infraction;~~

(3) For a continuing offense, a fine of not more than \$1,000.00 may be assessed.

(~~3~~) (4) Infractions of specific Klamath County Ordinances are classified as follows:

CODE PROVISION	CLASS
KCC Chapter 400	<del>2</del> <u>1</u>
KCC Chapter 401	<del>2</del> <u>1</u>
KCC Chapter 402	<del>2</del> <u>1</u>
KCC Chapter 405	<del>3</del> <u>2</u>
KCC Chapter 406	<del>2</del> <u>1</u>
<u>KCC Chapter 601</u>	<u>1</u>
KCC Chapter 602	1
*KCC Chapter 603	1
KCC Chapter 700	<del>2</del> <u>1</u>
KCC Chapter 701	<del>3</del> <u>2</u>
KCC Chapter 702	<del>3</del> <u>2</u>
KCC Chapter 703	<del>2</del> <u>1</u>
Land Development Code	<del>2</del> <u>1</u>

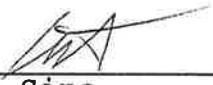
\* This Chapter is also applicable to KCC Chapter 603, however, the penalties for KCC Chapter 603 are outlined at KCC Chapter 603, Section 603.400.


Ordinances enacted after the effective date of this Ordinance which provide a penalty provision for their enforcement shall expressly incorporate the infraction procedure set out herein and classify violations thereof in accordance with this Section of this Ordinance.

**800.920 Severability.** The provisions of this Chapter are severable. If a portion of this Chapter is for any reason held by


a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

DONE and dated this 18<sup>th</sup> day of May, 1994.

  
\_\_\_\_\_  
Wes Sine  
Chairman

  
\_\_\_\_\_  
Ed Kentner  
Commissioner

  
\_\_\_\_\_  
F. Jean Elzner  
Commissioner

  
\_\_\_\_\_  
Approved as to form - County Counsel