

**PASSED**

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 4-00

) IN THE MATTER OF AMENDING CHAPTER 5  
) OF LANE CODE TO MODIFY THE NOISE  
) ENFORCEMENT PENALTY PROVISION AND  
) TO DECLARE AN EMERGENCY (LC 5.990)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 5 of Lane Code is hereby amended by adding the following pages:

**REMOVE THESE PAGES**

5.990 – 5.990(2)  
i.e. 5-20 (a total of 1 page)

**INSERT THESE PAGES**

5.990 – 5.990(2)  
i.e. 5-20 (a total of 1 page)

Said page is attached hereto and incorporated herein by reference. The purpose of this change is to amend Lane Code Chapter 5 to modify the noise enforcement penalty provision and to declare an emergency.

ENACTED this 10<sup>th</sup> day of MAY 2000.

Chair, Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4-18-00 Lane County

OFFICE OF LEGAL COUNSEL

5.990 Failure to Comply.

(1) A person who fails to comply with any provision of Lane Code shall be subject to administrative enforcement pursuant to LC Chapter 5, except for those provisions which are specified to be violations, or which specify incarceration as a penalty. A notice of failure to comply may be signed, issued and served by any designated agent of the County.

(2) A person who fails to comply with LC 5.600 et seq. is subject to a monetary penalty of not less than \$500 for a first failure to comply and \$1,000 for each subsequent failure to comply committed within one year of the first occurrence. However, the hearings officer may suspend up to \$400 of the monetary penalty to be paid for a first offense upon receiving from the person who has failed to comply a signed, verified statement that said person agrees not to cause any further failure to comply with LC 5.600 et. seq. within the following year, and further stating that if it is determined that said person should so fail to comply, the suspended portion of the monetary penalty amount be then due and payable, in addition to any amounts to be due for the subsequent failures to comply. Persons who fail to comply with LC 5.600 et seq. are also subject to the administrative civil penalty procedures set forth in this chapter. Any enforcement proceedings allowed herein may be commenced by the Manager. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. For purposes of this subsection a separate failure to comply will be deemed to have occurred for every occurrence that is more than 15 minutes from the previous failure to comply.

12-77; 10.14.77    6-89; 5.24.89  
 17-77; 11.18.77    1-93; 4.16.93  
 8-81; 6.3.81        5-99; 7.28.99  
 2-82; 4.9.82        1-00; 4.12.00  
 21-83; 11.29.83  
 11-87; 9.17.87

WP 1/cr/00044/T

5.990

Lane Code

5.990(2)

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WP 1/cr/00043/T

WP 1/co/00014/T