

ORDINANCE NO. 05-11(4)

AN ORDINANCE AMENDING LYONS MUNICIPAL CODE CHAPTER 1.25, ENTITLED ENFORCEMENT PROCEDURES; AND REPEALING LYONS MUNICIPAL CODE 1.20.320, SETTING A CRIMINAL PENALTY FOR INITIATIVE AND REFERENDUM VIOLATIONS

WHEREAS, the Council has recently become aware that its Code enforcement options are limited by the wording of Lyons Municipal Code (LMC) 1.25, Enforcement Procedures; and

WHEREAS, the Council sees no need to be able to criminally prosecute for initiative and referendum violations.

Now, therefore,

The City of Lyons ordains as follows:

Section 1. Lyons Municipal Code (LMC) 1.25.030, entitled Definitions, is hereby amended to omit the definitions set in subsections B, "Offense" and D, "Violation," and to re-letter the remaining two definitions appropriately.

Section 2. LMC 1.25.260.A is hereby amended to read as follows:

"Any individual, firm or corporation, whether as principal, agent, or employee, violating any provision of a City of Lyons ordinance for which a penalty is not provided shall be punished, upon conviction thereof, by a fine not less than \$50.00 and not more than \$1,000."

Section 3. LMC 1.20.320, entitled Penalty, is hereby repealed.

Section 4. Savings. All unamended City Code provisions shall remain in full force and effect. Notwithstanding these amendments, the City Code provisions in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provision(s) or portions thereof were operative.

Section 5. Codification. Provisions of this Ordinance shall be incorporated into the City Code, and the words "ordinance" or "section" may be changed to "code," "article," "chapter," "division," or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 4 through 6) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

**Section 6. Effective Date.** This ordinance will go into full force and effect on the 30<sup>th</sup> day after City Council enactment.

Passed by the Council this 28th day of August, 2018

Approved: \_\_\_\_\_  
Troy Donohue  
Mayor of the City of Lyons, Oregon

Date:  
\_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Micki Valentine  
Recorder of the City of Lyons, Oregon

Date: \_\_\_\_\_