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CHAPTER 1

GENERAL PROVISIONS

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GENERAL PROVISIONS

1.010. How Code Designated and Cited. All ordinances embraced in the following chapters and sections shall constitute and be designated the "Salem Revised Code," and may be so cited. Individual sections may be cited by using the symbol "SRC" followed by the section number.

1.020. Definitions and Rules of Construction. In the construction of this Code and all other ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or the context clearly requires otherwise:

(a) City. The words "the city" or "this city" shall be construed as if followed by the words "of Salem, Oregon."

(b) Code. The words "the Code" or "this Code" shall mean the "Salem Revised Code."

(c) Computation of time. The time within which an act is to be done, is computed by excluding the first day and including the last, unless the last day falls upon any legal holiday or on Saturday, in which case the last day is also excluded.

(d) Council. Whenever the word "Council" is used, it shall be construed to mean the Council of the City of Salem, Oregon.

(e) County. The words "the county" or "this county" shall mean Marion County, Oregon or Polk County, Oregon, whichever is applicable under the circumstances.

(f) Day. A day is the period of time between any midnight and the midnight following.

(g) Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

(h) Department, board, commission, office, officer, or employee. Whenever any department, board, commission, office, officer, or employee is referred to, it shall mean a department, board, commission, office, officer, or employee of the City of Salem, unless the context clearly indicates otherwise. Whenever a director of any city department is referred to, director shall mean the director or the director's designee, unless the context clearly indicates otherwise.

(i) Gender. The masculine gender includes the feminine and neuter, and vice versa.

(j) In the city. The words "in the city" shall mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

(k) Health officer. The Director of the Department of Administrative Services of the City of Salem, or the Director's designee.

(l) Joint authority. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(m) Month. The word "month" shall mean a calendar month.

(n) Number. The singular number includes the plural and the plural the singular, unless the context specifically indicates otherwise.

(o) Oath. "Oath" includes affirmation.

(p) Offense. The doing of any act or thing prohibited or the failing to do any act or thing commanded to be done in this Code within the corporate limits of the city is hereby declared to be an offense against the public peace, safety, morals, and general welfare of the people of the city.

(q) Official time. Whenever certain hours are named in this Code, they shall mean the standard of time as set out in Oregon Revised Statutes 187.110.

(r) Or; and. "Or" may be read "and," and "and" may be read "or," if the context specifically demands.

(s) Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or of a part of such building or land, or vendee in possession under a land sale contract.

(t) Person. "Person" includes individuals, corporations, limited liability companies, associations, firms, partnerships, joint stock companies, and any other entity in law or fact.

(u) Personal property. "Personal property" includes every species of property, except real property, as defined in this section.

(v) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

(w) Process. "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

(x) Property. The word "property" shall include real and personal property.

(y) Public place. The words "public place" shall mean any public place or building or any private place, business, or building, open to and frequented by the public.

(z) Real property. The words "real property" shall include lands, tenements, and hereditaments.

(aa) Shall, may. "Shall" is mandatory and "may" is permissive.

(bb) Signature or subscription by mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature of subscription to a sworn statement only when two witnesses so sign their own names thereto.

(cc) State. The word "the state" or "this state" shall be construed to mean the State of Oregon.

(dd) Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or an oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

(ee) Tenses. The present tense includes the past and future tenses, and the future includes the present.

(ff) To. "To" means "to and including" when used in reference to a series of sections of this Code or when reference is made to the Oregon Revised Statutes.

(gg) Week. A week consists of seven consecutive days.

(hh) Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

(ii) Year. The word "year" shall mean a calendar year, except where otherwise provided. (Ord No. 57-05; Ord No. 31-06)

1.030. Provisions Considered as Continuations of Existing Ordinances. The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

1.040. Effect of Repeal of Ordinances. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

1.050. Severability of Parts of Code. It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

1.060. Catchlines of Sections. The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1.070. General Penalty; Continuing Violations.

(a) Wherever in this Code or in any other ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, the violation of any such provisions of the Code or any other ordinance of the city shall be either a misdemeanor or an infraction, and shall be punished as provided in this section.

(b) Maximum penalties for offenses defined in this Code shall be as follows:

(1) Misdemeanor -- six months imprisonment or a fine of \$500, or both such fine and imprisonment.

(2) Infraction -- a forfeiture of \$250, or such lesser sum as may be provided in the ordinance defining the offense.

(c) Where an offense is defined in this Code, and no other penalty is provided, the offense shall be deemed a misdemeanor.

(d) Every day any violation of this Code or any other ordinance of the city shall continue shall constitute a separate offense.

(e) Notwithstanding anything in this section or any other ordinance to the contrary, no greater penalty shall be imposed for any violation of city ordinance than the maximum penalty prescribed under Oregon statute for the same act or omission.

(f) For purposes of facilitating disposition of infractions, the municipal judge may promulgate a schedule of forfeitures for particular infractions, and the person charged with such an infraction may deposit with the court the amount so scheduled, waive further appearance, and have the sum so deposited forfeited as on a plea of "no contest." The court shall not, however, be bound by the schedule on appearance and admission by the person charged, or on trial and judgment against the person charged; the court in such a case may impose any forfeiture allowed by subsection (b) of this section. (Ord No. 104-76; Ord No. 193-79; Ord No. 17-2000)

1.080. Violation of Civil Service Provisions of Charter. It shall be unlawful for any person to violate any of the civil service provisions of the city charter. Any penalty imposed for the violation of this section shall be in addition to any reprimand, demotion, suspension, removal, discharge or other discipline which may be imposed. Violation of this section is an infraction. (Ord No. 3117; Ord No. 193-79; Ord No. 51-96; Ord No. 30-97)

1.090. Legal Situs of City. The seat of the government of the city is now maintained, and since the incorporations of the city has been maintained in Marion County, Oregon, the legal situs of the city is in Marion County. (Ord No. 4074)

1.100. Base of Grades. In the execution of all field work, maps, profiles, and the like, in reference to the grades and streets in the city, the "base of grades" shall be mean sea level as established by the United States Coast and Geodetic Survey. (Ord No. 105; Ord No. 160-69)

1.110. Salaries of City Officers and Employees. The wages and salaries of all city officers and employees shall be as established from time to time by the Council.

1.120. City Seal and Flag. The city does hereby adopt a seal and flag a replica of which is on file with the city recorder and by this reference is made a part of this section. (Ord No. 5521; Ord No. 104-72)