

ORDINANCE NO. 106**AN ORDINANCE ESTABLISHING A GENERAL PENALTY; ESTABLISHING A GENERAL SEVERABILITY CLAUSE; AND DEFINING THE EFFECT OF REPEAL OF CITY ORDINANCES.**

The City of Coos Bay ordains as follows:

Section 1. General Penalty; Continuing violations.

- (1) Whenever a city ordinance prohibits an act or declares it to be unlawful, or provides that the failure to do an act is unlawful, and no specific penalty is provided, the violation of the provision is punishable by a fine not exceeding \$500, except as provided in this ordinance.
- (2) Whenever a state statute and a city ordinance provide penalties for the same offense, the penalty imposed for the city violation shall not exceed the state penalty.
- (3) Every day a violation of a provision of any ordinance continues shall constitute a separate offense.

Section 2. Liability of Officers. No provision of a city ordinance designating the duties of an officer or employee shall be construed to make the officer or employee liable for a fine or penalty provided for a failure to perform the duty, unless the intent of the Council to impose the fine or penalty on the officer or employee is specifically and clearly expressed in the section creating the duty.

Section 3. Severability of Parts of Ordinances. Unless otherwise stated in the ordinance, sections, subsections, paragraphs, provisions, clauses, phrases and words of an ordinance are severable. If any section, subsection, paragraph, provision, clause, phrase or word of an ordinance is adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of the ordinance.

Section 4. Effect of Repeal of Ordinances. The repeal of an ordinance shall not revive an ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed ordinance.

Passed by the Council and approved by the Mayor July 13, 1987.