

**ORDINANCE NO. 275****AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CITY OF COOS BAY MUNICIPAL COURT.**

The City of Coos Bay ordains as follows:

**ARTICLE I: POWERS AND DUTIES OF MUNICIPAL JUDGE**

**Section 1: Municipal Court; Municipal Judge as Administrative Head of Municipal Court.** The Coos Bay Municipal Court is the tribunal exercising power for the enforcement of the ordinances of the City of Coos Bay, and such other enforcement power as may be conferred by the State of Oregon. The municipal judge is the presiding judge of the court and the court's administrative head, and shall exercise administrative authority and supervision over the municipal court consistent with the Charter of the City of Coos Bay, the U.S. Constitution, the Oregon Constitution, and any other applicable laws and ordinances. To facilitate the exercise of that administrative authority and supervision, the municipal judge may:

- (1) make rules and issue orders appropriate to that exercise;
- (2) require appropriate reports from staff of the municipal court;
- (3) establish time standards for disposition of cases;
- (4) propose a budget for the municipal court;
- (5) undertake any other action authorized by law necessary to effectuate the purposes of the municipal court and the office of municipal judge.

**Section 2: Qualifications of Municipal Judge; Selection; Term of Appointment; Removal; Compensation.**

- (1) The municipal judge shall be a person of good character, shall be a citizen of the United States and shall be a resident of the State of Oregon. The municipal judge may be, but is not required to be, an attorney. If the municipal judge is an attorney, then the municipal judge shall be a member, in good standing, of the Oregon State Bar Association.

(2) The municipal judge shall be appointed by majority vote of all sitting councilors. The term of appointment shall be one year, and the person appointed to fill the office may be reappointed for any number of terms, provided such reappointment is confirmed by vote by the City Council as provided in this section.

**Section 3: Absence or Vacancy in Office of Municipal Judge.**

(1) When the municipal judge is incapacitated or otherwise absent, is disqualified for prejudice, or when there is a vacancy in the office, the council may appoint any person who meets the qualifications for appointment as municipal judge to serve as municipal judge pro tempore. The municipal judge pro tempore may perform the functions of the municipal judge, may hear proceedings and may enter any judgment, order or decree with the same force and effect as if done by the municipal judge.

(2) Any appointment under this section shall be made by resolution of the council, which shall designate the duration of the appointment.

(3) No action or proceeding pending in municipal court shall be affected by the vacancy or absence of the municipal judge.

**Section 4: Powers of the Municipal Court.**

The municipal court shall have such powers as is conferred upon municipal courts under the Oregon Constitution, the Charter of the City of Coos Bay, and Oregon law. By way of illustration, but not limitation, the municipal court has the power:

(1) to enter judgments, orders and decrees necessary to effectuate the exercise of its power to enforce the ordinances of the City;

(2) to compel compliance with and obedience to its judgments, orders and decrees, in or out of court;

(3) to preserve and enforce order in its immediate presence and in the proceedings before it and to control, in the furtherance of justice, the conduct of the court's ministerial officers and parties and witnesses connected with any proceeding before it;

(4) to compel the attendance of persons to testify in any proceeding pending in municipal court;

(5) to administer oaths in any pending proceeding, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties;

(6) to adjourn any proceeding before the court from time to time as may be necessary, unless otherwise expressly prohibited by ordinance or state law.

**Section 5: Sessions of Court; Place of holding Court; Scheduling; Legal Holidays**

(1) Sessions of municipal court shall be public, and shall be held in the Council Chambers of the City of Coos Bay.

(2) Municipal court shall be held on the first Thursday of every month, or such other dates as may be designated by the court. If the day appointed for holding court is a legal holiday, the court shall be held the next Thursday following which is not also a legal holiday. The court shall be open to do judicial business at 4:00 p.m.

(3) Municipal court may be held and judicial business may be transacted on any day other than Saturdays, Sundays and legal holidays, except that the court may exercise the powers of a magistrate on any day.

**Section 6: Local Rules of Procedure.** The municipal judge may adopt local rules for the conduct of the municipal court which are not inconsistent with the rules of procedure established by this ordinance or any rules made applicable to a municipal court by state law.

**Section 7: Time for Decision.** Any question submitted to the court shall be decided and the decision rendered within thirty (30) days after submission, unless prevented by sickness or unavoidable casualty; provided that the time may be extended by stipulation in writing signed by the parties and filed with the court before the expiration of the thirty (30) day period.

**Section 8: Contempt of Court.** The court may exercise power to punish contempt in the manner provided by ORS 33.015-33.155.

**Section 9: Disqualification.** The municipal judge shall not hear any proceeding if any party moves the court for a change of judge on grounds of prejudice against the party or the party's attorney. The motion shall be supported by an affidavit by the party, under oath, stating that the municipal judge is prejudiced against the party or the party's attorney, stating with particularity the fact or facts supporting the existence of prejudice, stating the party cannot or reasonably believes the party cannot have a fair and impartial hearing before the judge, and that the motion to disqualify is not filed for the purpose of delay. Upon receipt of the motion, the municipal judge shall grant the motion if grounds for disqualification actually exist. Failure to allege specific facts supporting the existence of prejudice shall result in a denial of the motion. The motion shall be filed not less than two weeks before the party's first appearance, and failure to do so shall result in a waiver of a right to seek disqualification. No party shall file more than one motion to disqualify in any proceeding.

## **Section 10: Administrative Search Warrants.**

**(1) Authorization.** The municipal judge is authorized to issue administrative search warrants authorizing the inspection or investigation at a designated location upon application by the City Attorney, Building Official, Police Chief or Fire Chief, or their duly authorized representatives, acting in the course of their official duties, whenever an inspection or investigation of any place is required or authorized by any municipal ordinance or regulation.

### **(2) Grounds for Issuance.**

**(a)** An administrative search warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant hereunder, the ordinance or regulation requiring or authorizing the inspection or investigation, the location to be inspected or investigated, and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without a warrant.

**(b)** Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the location or there is probable cause to believe that a condition of nonconformity with a health, public protection or safety ordinance, regulation, rule, standard or order exists with respect to the particular location, or an investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

### **(3) Procedure for Issuing Search Warrant.**

**(a)** Before issuing any administrative search warrant, the municipal judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

**(b)** If the municipal judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, he or she may issue the warrant, particularly describing the same and identifying the title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m. or where the

municipal judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any other time of the day or night.

#### **(4) Execution of Search Warrant.**

**(a)** Except as otherwise provided in this section, in executing an administrative search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to the occupant or person in possession of the location designated in the warrant and shall show him or her the warrant or copy thereof upon request.

**(b)** In executing an administrative search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in subsection (1) of this section, but may promptly enter the designated location, if, at the time of execution, the location is unoccupied or not in the possession of any person or is reasonably believed to be in such condition.

**(c)** A public safety officer may be requested to assist in the execution of the administrative search warrant.

**(d)** An administrative search warrant must be executed and returned to the municipal judge by whom it was issued within 10 days from its date, unless the municipal judge, before the expiration of such time, extends the time for five days by endorsement thereon. After expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

## **ARTICLE II: INTERPRETATION AND RULES OF CONSTRUCTION**

**Section 11: Definitions.** As used in this ordinance, the following mean:

Building Official: the Director of Community Services, or his or her designee, assigned to enforce the uniform, specialty and other building codes.

Code: the City of Coos Bay Municipal Code.

Codes Enforcement Officer: Any person designated by the city manager to undertake enforcement of any city ordinance, including, but not limited to, the building official.

Fire Marshall: The City of Coos Bay Fire Chief or his or her designee.

Person: An individual, association, corporation, partnership, trust, or any other entity at law or in fact.

Public Safety Officer: The City of Coos Bay Chief of Police or his or her designee.

## **Section 12: Interpretation of Ordinances.**

(1) All words and phrases in ordinances of the City shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such technical or peculiar and appropriate meaning.

(2) The following grammatical rules shall apply to the ordinances of the City, unless it is apparent from the context that a different construction is intended:

(a) Each mention of gender includes the masculine, feminine and neuter genders;

(b) The singular number includes the plural and the plural includes the singular;

(c) Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;

(d) The words "shall" and "must" are mandatory; the word "may" is permissive.

**Section 13: Computation of Time.** Except when otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or holiday, in which case it shall also be excluded.

**Section 14: Construction.** The ordinances of the City shall be construed with a view to effect their objectives and to promote justice.

**Section 15: Effect of Repeal of Repealing Ordinance.** Whenever an ordinance which repeals a former ordinance is repealed, either expressly or by implication, the former ordinance shall not thereby be revived unless it is expressly so provided.

**Section 16: Prohibited Acts Include Causing and Permitting.** Whenever the ordinances of the City make an act or omission unlawful, such ordinance shall include as unlawful the act or omission of causing, aiding, abetting, or concealing such act or omission.

**Section 17: Violations Outside City Limits.** An act made unlawful by any ordinance of the City shall constitute a violation when committed on any property owned or controlled by the City, even though outside the City's corporate limits.

**Section 18: Continuing Violations.** Whenever an act is prohibited or declared to be unlawful, or the doing of an act is required or the failure to do an act is declared to unlawful, each day the violation persists shall constitute a separate and distinct violation.

**Section 19: Liability.**

**(1)** A person is guilty of a violation if the act or omission is committed by his or her own conduct or by the conduct of another person for which the persons is liable, or both.

**(a)** A person is liable for the conduct of another person if:

**(i)** the person is made liable by the ordinance defining the violation;  
or

**(ii)** With the intent to promote or facilitate the commission of the violation, the person solicits or commands such other person to commit the violation, or aids or abets or agrees or attempts to aid or abet such other person in planning or committing the violation, or having a legal duty to prevent the commission of the violation fails to make the effort the person is required to make.

**(b)** In the prosecution for a violation in which liability is based upon the conduct of another person, it is no defense that such other person has not been prosecuted for or convicted of any violation based upon the conduct in question or has been convicted of a different violation; or

**(3)** When an act is required, such that it may be done by an agent as well as the principal, such requirement shall be construed to include all such acts performed by the agent, acting under either authorized or apparent authority.

**(2)** In addition to the liability of a corporation, firm, partnership, association, or joint stock company otherwise imposed by the ordinances of this City, such an organization is guilty of a violation if:

**(a)** The conduct constituting the violation is engaged in by an officer, employee or agent of the organization acting within the course and scope of their office, employment or agency; or

(b) The conduct constituting the violation is knowingly tolerated by the officers, employees or agents or the organization.

(c) A person is liable for conduct constituting a violation which he or she performs or causes to be performed in the name of or in behalf of a corporation, firm, partnership, association, or joint stock company to the same extent as if such conduct were performed in his or her individual capacity.

## **Section 20: Classification of Offenses; Penalties.**

(1) Unless otherwise provided by law or ordinance, all violations of city ordinances are classified as infractions.

(2) If provided for in the ordinance defining the violation, the court may order restitution in addition to any penalty or fine. The court may order community service in lieu of a penalty or fine if the defendant demonstrates a manifest and documented inability to pay.

## **ARTICLE III: RULES OF PROCEDURE**

## **Section 21: Citation; Complaint; Summons.**

(1) A citation substantially conforming to the requirements of this section may be used for citing violations of the Code.

(2) A citation shall contain the following:

- (a) Complaint;
- (b) Department record;
- (c) Summons.

(3) A summons shall contain the following information:

(a) The name of the court; the name of the person or persons cited; the date on which the citation was issued; the name of the complainant; and the time at which the person cited is to appear in court;

(b) A statement or designation of the violation in such manner as can be readily understood by a person making a reasonable effort to do so; and the date and place the violation is alleged to have occurred;

**1-17.21**

**COOS BAY ORDINANCE**

**1-17.22**

(c) A notice to the person or persons cited that a complaint will be filed with the court based on the violation.



(d) The maximum amount of penalty or bail, if any, fixed for the violation, and a statement notifying the person that a money judgment may be entered up to the maximum amount of the penalty or the cost of nuisance abatement, along with other costs allowed by law if the defendant fails to appear.

(4) A complaint shall contain the following information:

(a) The name of the court; the name of the city in whose name action is being brought; and the name of the defendant or defendants;

(b) A statement or designation of the violation in such a manner as can be readily understood by a person making a reasonable effort to do so; and the time and place of the alleged violation;

(c) A verification that the complainant swears or affirms that he or she has reasonable grounds to believe, and does believe, that the person or persons cited have violated a provision of the Code.

(5) The citation may also contain additional information as may be appropriate for administrative departments of the City, including an indication of whether a written warning was previously issued.

## **Section 22: Persons Authorized to Issue Citations; Complaints by Private Citizens.**

(1) A citation may be issued by the Codes Enforcement Officer, Public Safety Officer or Fire Marshall if he or she has reasonable grounds to believe that the person or persons to be charged are in actual violation of a provision, other than a criminal provision, of the Code. A citation may be issued by the Public Safety Officer if the officer has probable cause to believe that the person to be charged with the violation is in violation of a criminal provision of the Code.

(2) (a) Any person may seek to have the City issue a citation for violation of the Code by filing a complaint with the Codes Enforcement Officer or Public Safety Officer, if such violation is a violation of a criminal provision of the Code, alleging under oath and upon personal knowledge material facts which, if proven, would constitute a violation, provided that such person can testify at trial to material facts in the case.

(b) Any person who, in connection with the issuance of a citation or the filing of a complaint under this subsection, knowingly certifies falsely to matters set forth therein shall be subject to a penalty upon conviction of \$1,000.00.

**Section 23: Delivery and Filing of the Summons and Complaint.** The Codes Enforcement Officer, Public Safety Officer or Fire Marshall, as the case may be, shall cause summons to be served on the person cited and shall file the complaint along with proof of service of the

summons with the court.

**Section 24: Right to Counsel.**

- (1) A defendant may be represented by counsel at any trial for a violation, but defense counsel shall not be provided at public expense.
- (2) At the defendant's first appearance in municipal court, the defendant shall be informed by the court of his or her right to have counsel before pleading to the violation, and shall be asked if he or she wishes to obtain counsel before pleading.
- (3) At any trial for an infraction, the city attorney may aid the Codes Enforcement Officer, Public Safety Officer or Fire Marshall in preparing evidence and obtaining witnesses, but shall not appear unless the defendant retains counsel. The court shall give the city attorney timely notice if defense counsel is to appear at trial.

**Section 25: First Appearance; Return of Summons.** The defendant shall:

- (1) either appear in court at the time indicated in the summons; or
- (2) prior to such time, deliver to the court the summons together with the amount of the penalty or bail, if any, set forth in the summons, along with a request for a hearing or a written statement in explanation or mitigation; or
- (3) prior to such time, deliver the summons together with a waiver of hearing and plea of guilty, along with the penalty or bail set forth in the summons.

**Section 26: Effect of Defendant's Written Statement in Explanation or Mitigation.**

- (1) If the defendant submits a written statement in explanation or mitigation and does not request a hearing, the statement shall constitute a waiver of hearing, a consent to judgment by the court and assessment of penalty, if, based on the written statement and testimony or written statements of other witnesses, if any, the court finds the defendant violated the provision of the Code with which the defendant has been charged.
- (2) If the defendant submits a request for a hearing along with the written statement in explanation or mitigation and requests a hearing, the court shall fix the date and time for hearing and shall mail notice to the defendant at least fifteen days in advance of the hearing.

1-17.27

COOS BAY ORDINANCE

1-17.27

**Section 27: Court-Ordered Hearing; Judgment on Failure to Appear.**

- (1) In any proceeding where the defendant fails to appear, the court may, in its discretion, direct a hearing be held.

(2) The court may proceed to make a determination without a hearing in the following circumstances:

(a) the defendant fails to appear at the time, date and place specified in the citation and a hearing is not required under ordinance or statute;

(b) the defendant appeared at the time, date and place specified in the citation and requested a hearing or was ordered by the court to appear at a subsequent hearing, and the person fails to appear at the time, date and place set for the hearing or subsequent hearing on the matter.

(c) A determination under this section shall be based on the citation and on any evidence the court may, in its discretion, determine to be appropriate.

(d) Upon making a determination under this section, the court may enter judgment and may impose the penalty, along with a money judgment for costs, assessments and any restitution authorized by ordinance or law.

(i) If the court orders restitution, the court need not make a determination of the defendant's ability to pay. The defendant may seek review of his or her ability to pay by filing a written request with the court within one year after entry of judgment. The court shall set a hearing on the matter, and may reduce the amount restitution ordered if the defendant establishes at the hearing that he or she is unable to pay the restitution in whole or in part.

(3) If judgment is entered under this section after the defendant has failed to appear, on motion by the defendant and upon such terms as are just, the court may relieve the defendant from the judgment, upon showing that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must be made within a reasonable time, but in no event more than one year after entry of judgment in the matter, unless the judgement is for the abatement of a nuisance in which case the motion must be made prior to the time the city has expended funds to abate the nuisance.

(4) No judgment may be entered under this section for failure to appear unless the summons contained a statement notifying the defendant that a money judgment may be entered against the defendant up to the maximum amount of the penalty, along with other costs allowed by law if the defendant fails to appear.

1-17.28

COOS BAY ORDINANCE

1-17.29

**Section 28: First Appearance.** At the time of first appearance, the court shall apprise the defendant of the nature of the alleged violation, and advise the defendant that he or she may plead guilty or not guilty, plead guilty with matters in mitigation, as the case may be. Upon a plea of guilty, or a plea of guilty with matters in mitigation, judgment shall be entered. Upon a plea of not guilty, the court shall set a trial date.

## **Section 29: Discovery.**

**(1)** Upon request by the defendant the Codes Enforcement Officer, Public Safety Officer or Fire Marshall shall disclose to the defendant the following material and information within his or her possession and control:

**(a)** the names and addresses of persons whom the City intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements made by such persons;

**(b)** any written or recorded statements or memoranda of any oral statements made by the defendant or co-defendant if the trial is to be a joint trial;

**(c)** any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons which the City intends to offer into evidence at trial;

**(d)** any books, papers, documents, photographs, or tangible objects which the City intends to offer into evidence at trial or which were obtained from or belong to the defendant.

**(2)** Upon request by the City, the defendant shall disclose to the City the following material and information within the possession and control of the defendant:

**(a)** the names and addresses of persons whom the defendant intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements of such persons;

**(b)** any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons which the defendant intends to offer into evidence at trial;

**(c)** any books, papers, documents, photographs, or tangible objects which the defendant intends to offer into evidence at trial.

**(3)** All discovery requests shall be made not less than fifteen days, and all discovery completed not less than ten days, prior to trial on the matter.

**1-17.29**

**COOS BAY ORDINANCE**

**1-17.30**

**(4)** The following material and information shall not be subject to discovery under this section:

**(a)** work product, legal research, records, correspondence, reports or memoranda to the extent that they contain opinions, theories or conclusion of city attorney, the Codes Enforcement Officer, Public Safety Officer, Fire Marshall or other City official in connection with the investigation, prosecution

of the violation, or such documents to the extent they contain opinions, theories or conclusions of the defendant or defendant's attorney in connection with the defense of the violation;

(b) the identity of a confidential informant where disclosure of the identity of the informant is exempt under Oregon law and failure to disclose the identity of the informant will not infringe on the constitutional rights of the defendant.

- (5) The court may order any party who refuses to comply with a discovery request under this section to permit inspection of the material, may grant a continuance, may refuse to permit the witness to testify, may refuse to receive into evidence material not disclosed, or may enter such other order it deems appropriate under the circumstances. Upon a showing of good cause, the court may, after in camera examination, enter an order that specified disclosures be denied, restricted or deferred or make such other order it deems appropriate under the circumstances. The court shall make a record of such examination, which shall then be sealed and preserved in the records of the court, and made available to the appellate court in the event of an appeal.

**Section 30: Trial Without Jury; Commencement; Burden of Proof; Proof of Mental State Not an Element.**

(1) The trial shall be by the court without a jury, and shall not be scheduled for less than fifteen days from the date of the citation, unless the defendant waives the fifteen day period.

(3) The City shall have the burden of proving the alleged violation, other than a criminal provision of the code, by a preponderance of the evidence;

(4) A defendant may not be required to be a witness at trial;

(5) Notwithstanding any other provision of law, the court may admit the affidavit of any witness into evidence in lieu of taking testimony orally in court. The authority granted under this subsection is subject to all of the following:

(a) in order to allow testimony to be presented by affidavit, the court must adopt rules and procedures allowing for the use of affidavit;

**1-17.30**

**COOS BAY ORDINANCE**

**1-17.32**

(b) the court shall allow testimony by affidavit only upon signed waiver by the defendant of the right to have the witness present for examination in court;

(c) the court may allow testimony by affidavit under this subsection with respect to any matter including, but not limited to, matter described in ORS 40.460;

(d) nothing in this subsection requires the defendant or any other witness to waive the right to appear if testimony is taken by affidavit as provided by this

subsection.

(6) Unless specifically set forth in the ordinance which is the basis for the violation, proof of a culpable mental state is not an element of a violation.

(7) The determination at trial shall be on the citation and upon any evidence that the court, in its discretion, determines is appropriate. The court may make such further investigation it deems necessary to resolve the case, and may call witnesses or order the production of documents and things that pertain to the matter.

**Section 31: Judgment as Lien.** Any judgment entered shall be a lien against any real property owned by the defendant in the City, shall be entered upon the City's lien docket and may be foreclosed according to law or ordinance.

**Section 32: Procedure Upon Order of Nuisance Abatement.**

(1) If the defendant fails to abate any nuisance within the time directed by the court, the City may cause abatement to occur and seek a money judgment as provided by this section. The court shall retain jurisdiction over the proceeding until final order is entered that the nuisance has been abated.

(2) If the defendant fails to abate a nuisance within the time period provided by the court, the City may cause the nuisance to be abated, and move the court for entry of a money judgment. Upon receipt of the City's motion, the court shall cause a Notice and Statement of Judgment to be mailed to the defendant at the defendant's address as indicated on the most recent Coos County tax roll, or personally delivered to the defendant. The Notice and Statement shall state that objections to the judgement must be filed with the Court within twenty days of the date of mailing of the Notice and Statement of Judgment or personal delivery thereof, as the case may be, and that any objection shall state with particularity the grounds for the objection. The fact that a contract was bid for nuisance abatement pursuant to Oregon public contracting law shall be irrebuttable presumption as to the reasonableness of the costs of abatement.

1-17.32

**COOS BAY ORDINANCE**

1-17.35

(3) Upon receipt of a timely and properly filed objection to Notice and Statement of Judgment by the defendant, the court shall schedule a hearing on the grounds for the objection. After hearing, or after the expiration of the twenty-day period for filing objections, if no objection has been received, the court shall enter judgment for the City.

**Section 33: Appeals.**

(1) A party to a proceeding in municipal court may appeal from any judgment or

other final determinative order. Any appeal from the municipal court shall be by writ of review, taken and perfected in the manner provided by ORS Chapter 34.

(2) In addition to any notices required to be served under ORS Chapter 34, notice of the appeal shall also be served upon the City Attorney;

(3) When the notice of appeal has been filed with the municipal court, the appellate court shall have jurisdiction over the matter. Failure to serve a notice of appeal on the City attorney shall not preclude jurisdiction in the appellate court.

(4) No undertaking providing for the payment of costs and disbursements is required for an appeal taken under this section.

**Section 34: Severability.** The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

**Section 35: Emergency.** Because prompt and continuous enforcement of the City of Coos Bay Municipal Code is necessary to the peace, health, and safety of the people of the City of Coos Bay, an emergency is declared and this ordinance is effective upon its passage by the Council.

Passed by the City Council and approved by the Mayor on July 20, 1999