

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING METRO	)	ORDINANCE NO. 23-1500
CODE CHAPTER 2.03 (CIVIL PENALTIES)	)	
AND REPLACING IT WITH A NEW METRO	)	Introduced by Chief Operating Officer
CODE CHAPTER 2.03 (CIVIL PENALTIES),	)	Marissa Madrigal in concurrence with
AND AMENDING CERTAIN METRO CODE	)	Council President Lynn Peterson
CHAPTERS TO ALIGN WITH THE NEW	)	
CHAPTER 2.03	)	

WHEREAS, Metro Code Chapter 2.03 prescribes “the procedures and requirements for the notice, assessment, collection and enforcement of civil penalties” by Metro; and

WHEREAS, several Metro code chapters authorize the imposition of civil penalties for violating Metro code, regulations, orders, or rules, including violations related to the Zoo, Parks and Nature, Ethics, Taxes, and Solid Waste; and

WHEREAS, although Metro is authorized to impose civil penalties for violations of many code chapters, Metro primarily imposes civil penalties for illegal solid waste disposal violations and violations related to solid waste franchises and licenses; and

WHEREAS, current Metro Code Chapter 2.03 (Civil Penalties) was originally adopted in 1977 by the former Metropolitan Service District Board, with little change or updating since that original adoption nearly 50 years ago; and

WHEREAS, some Metro Code chapters and sections established in the 1970s and 1980s—before Metro had an independent charter and home rule authority—were modeled after existing state statutes involving similar circumstances and procedures. This includes, for example, the *Civil Penalties* Code Chapter 2.03 and the *Procedure for Contested Cases* Code Chapter 2.05; and

WHEREAS, procedures established for use by Oregon state government do not often easily transfer to local government practices, which can create a local government procedure that is unclear, cumbersome, or, in the worst instances, nearly impractical to implement; and

WHEREAS, many of the procedures established in Metro Code Chapters 2.03 (Civil Penalties) are unclear, cumbersome, and difficult to implement. This makes it burdensome for Metro staff and hearings officers to effectuate, while also creating barriers and confusion for individuals and entities facing a violation or civil penalty; and

WHEREAS, in December 2022 the Metro Council adopted Resolution No. 22-5293, which among other things requires that Metro Code be written using plain and inclusive language best practices; and

WHEREAS, the proposed updated Chapter 2.03 incorporates plain language best practices as required; and

WHEREAS, Metro Code Chapter 2.03 (Civil Penalties) should be repealed and replaced with a new civil penalties chapter setting forth procedures that align more closely with local government procedures and which also incorporates plain and inclusive language best practices; and

WHEREAS, two sections of the current Chapter 2.03 establishing penalty amounts for violations related to the Zoo and Parks and Nature should be moved to the code chapters that establish those rules and regulations (Chapter 4.01 for the Zoo and Chapter 10.02 for Metro Parks and Natural Areas) rather than being embedded in the civil penalties code chapter; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 2.03 (Civil Penalties) is repealed in its entirety.
2. A new Metro Code Chapter 2.03 (Civil Penalties) is established as set forth in the attached Exhibit A.
3. Metro Code Chapter 4.01 (Oregon Zoo Regulations) is amended as set forth in attached Exhibit B.
4. Metro Code Chapter 10.02 (Permits, Enforcement and Appeals) is amended as set forth in attached Exhibit C.
5. The Metro Attorney is authorized to take any action reasonably necessary to correct and update any code chapter or code section reference to implement this ordinance.
6. Any civil penalty imposed before the effective date of this ordinance will continue to be governed by the procedures established at the time Metro imposed the civil penalty, including any appeals or contested case hearings related to that civil penalty imposition.

ADOPTED by the Metro Council this 19th day of October 2023.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Connor Ayers, Recording Secretary

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Carrie MacLaren, Metro Attorney