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## **ORDINANCE BILL NO. 12-18**

- 2 AN ORDINANCE RELATING TO PENALTIES FOR SMOKING AND FOR OFFENSES IN
- 3 PARKS; AMENDING SRC 45.990 AND 94.990.
- 4 | *The City of Salem ordains as follows:*
- 5 | Section 1. SRC 45.990 is amended to read:
- 6 Sec. 45.990. Violations and penalties.
  - (a) Any person who smokes on a city-owned sidewalk or landscape strip included within a smoke-free area properly registered under this chapter shall be guilty of an infraction punishable pursuant to SRC 1.070. The penalty for the first such infraction shall be no more than \$50.00. The penalty for the second such infraction shall be no more than \$150.00. The penalty for the third or subsequent such infraction shall be no more than \$250.00. Any person who smokes on a city owned sidewalk or landscape strip included within a smoke-free area properly registered with the City under this chapter, or on city-owned property where smoking has been prohibited under this chapter shall be guilty of an infraction, punishable pursuant to SRC 1.070.
  - (b) Any person who smokes on city-owned property where smoking has been prohibited under this chapter shall be guilty of an infraction punishable pursuant to SRC 1.070. The penalty for the first such infraction shall be no more than \$50.00. The penalty for the second such infraction shall be no more than \$150.00. The penalty for the third or subsequent such infraction shall be no more than \$250.00. The penalty for the first infraction under of this chapter shall be no more than \$50.00. The penalty for the second infraction under this chapter shall be no more than \$150.00. The penalty for the third or subsequent infractions under this chapter shall be no more than \$250.00.
- 24 | Section 2. SRC 94.990 is amended to read:
- 25 | Sec. 94.990. Violations.
- 26 (a) Violation of SRC 94.120, or 94.195 is a misdemeanor.
- 27 (b) Violation of any other provision of this chapter is an infraction.
- (c) The penalties for a violation of SRC 94.020 (Animals prohibited; exceptions); 94.030
  (Picking flowers, injuring trees, buildings, fences, etc.); 94.050 (Discharge of fireworks);
  94.100 (Sales and solicitations); 94.130 (Excavating, blasting, etc.); 94.140 (Deposit of
  - rubbish and broken glass); 94.150 (Deposit of junk); Or, 94.180 (Parking regulations in

1	areas where fee charged) shall be: No more than \$50.00 for the first infraction; No more
2	than \$150.00 for the second infraction of the same section; No more than \$250.00 for the
3	third or subsequent infraction of the same section.
4	Section 3. Codification. In preparing this ordinance for publication and distribution, the City
5	Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
6	limitations, may:
7	(a) Renumber sections and parts of sections of the ordinance;
8	(b) Rearrange sections;
9	(c) Change reference numbers to agree with renumbered chapters, sections or other parts;
10	(d) Delete references to repealed sections;
11	(e) Substitute the proper subsection, section or chapter, or other division numbers;
12	(f) Change capitalization and spelling for the purpose of uniformity;
13	(g) Add headings for purposes of grouping like sections together for ease of reference; and
14	(h) Correct manifest clerical, grammatical or typographical errors.
15	Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and
16	if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
17	this ordinance shall remain in full force and effect.
18	PASSED by the City Council this day of, 2018.
19	ATTEST:
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22	City Recorder
23	Approved by City Attorney:
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25	Checked by: B. Rogers
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