

Council Business Meeting

July 16, 2019

Agenda Item	Second Reading of Ordinance No. 3176 Relating to Public Safety, Adding New Ashland Municipal Code Chapter 10.58	
From	Tighe O'Meara Katrina L. Brown	Chief of Police Assistant City Attorney
Contact	tighe.omeara@ashland.or.us katrina.brown@ashland.or.us	

SUMMARY

Proposed Ordinance No. 3176 would create the new offense of Failure to Provide Name and Date of Birth to a Peace Officer and add new Chapter 10.58 to the Ashland Municipal Code (AMC). This addition to the AMC would give the Ashland Police Department an additional tool to ensure compliance with quality of life ordinance violations.

POLICIES, PLANS, AND GOALS SUPPORTED

1. Provide, promote, and enhance the security/safety, environmental health, and livability of the community. (Quality of Life Administrative Goal).

PREVIOUS COUNCIL ACTION

None

BACKGROUND AND ADDITIONAL INFORMATION

Currently there is nothing in either state law or the AMC to deter a person who has allegedly violated a City ordinance from simply ignoring a police officer when the officer asks for identifying information in order to issue a citation for the alleged violation. Due to this limitation, many alleged violators are going uncited and feel emboldened to repeat such offenses.

This new crime could only be charged if a person knowingly fails to provide the person's name and date of birth when a police officer has probable cause to believe the person has committed a violation and is attempting to cite the person for said violation. This crime would be classified as a Class C misdemeanor which would carry a maximum penalty of up to 30 days in jail and a fine of up to \$1250.00.

FISCAL IMPACTS

The fiscal impact to the City would be minimal.

ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

1. I move to approve Second Reading of Ordinance No. 3176.
2. I move to decline approval of Second Reading of Ordinance No. 3176.

STAFF RECOMMENDATION

Staff recommends that Council approve Second Reading of Ordinance No. 3176.

REFERENCES AND ATTACHMENTS

Attachment 1: Proposed Ordinance No. 3176

1 **ORDINANCE NO. 3176**

2 **AN ORDINANCE RELATING TO PUBLIC SAFETY; ADDING NEW AMC CHAPTER**
3 **10.58.**

4 Annotated to show deletions and additions to the Ashland Municipal Code sections being
5 modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.
6

7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** New Chapter 10.58, Failure to Provide Name and Date of Birth to a Peace
9 Officer, is hereby added to the Ashland Municipal Code as follows:

10 **10.58.020 Failure to Provide Name and Date of Birth to a Peace Officer**

11 **A. It shall be unlawful for a person to knowingly fail to provide the person’s name and**
12 **date of birth to a peace officer having probable cause to believe that the person has**
13 **committed a violation. As used in this Chapter, “violation” means an offense described in**
14 **ORS 153.008.**

15 **B. A person who violates Section A of this Chapter commits a Class C misdemeanor.**

16 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the
17 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
18 such limitations, may:

- 19 (a) Renumber sections and parts of sections of the ordinance;
20 (b) Rearrange sections;
21 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
22 (d) Delete references to repealed sections;
23 (e) Substitute the proper subsection, section, or chapter numbers;
24 (f) Change capitalization and spelling for the purpose of uniformity;
25 (g) Add headings for purposes of grouping like sections together for ease of reference; and
26 (h) Correct manifest clerical, grammatical, or typographical errors.

27 **SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable,
28 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
29 remainder of this ordinance shall remain in full force and effect.
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PASSED by the City Council this _____ day of _____, 2019.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

Katrina L. Brown, Assistant City Attorney

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12 **date of birth to a peace officer having probable cause to believe that the person has**
13 **committed a violation. As used in this Chapter, “violation” means an offense described in**
14 **ORS 153.008.**

15 **B. A person who violates Section A of this Chapter commits a Class C misdemeanor.**

16 **C. This Chapter 10.58 is repealed on August 16, 2020, unless the City Council takes**
17 **further action.**

18 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the
19 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
20 such limitations, may:

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2 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
3 remainder of this ordinance shall remain in full force and effect.

4 PASSED by the City Council this _____ day of _____, 2019.

5
6 ATTEST:

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9 _____
10 Melissa Huhtala, City Recorder

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13 SIGNED and APPROVED this _____ day of _____, 2019.

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16 _____
17 John Stromberg, Mayor

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21 Reviewed as to form:

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25 Katrina L. Brown, Assistant City Attorney