## Council Business Meeting
### August 6, 2019

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<th>Agenda Item</th>
<th>Second Reading of Ordinance No. 3176 Relating to Public Safety, Adding New Ashland Municipal Code Chapter 10.58</th>
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| From        | Tighe O’Meara  
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### SUMMARY
This is the second reading proposed of Ordinance No. 3176 which 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
First Reading of proposed Ordinance No. 3176 was conducted on June 18, 2019. It was passed to Second Reading for enactment upon a motion that it contain a provision that the ordinance be repealed in one year unless the Council takes further action. Second Reading began on July 16 and was continued to the August 6 meeting due to time constraints.

### 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.

### 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 as amended for enactment.
2. I move to decline approval of Ordinance No. 3176.

### STAFF RECOMMENDATION
Staff recommends that Council approve Second Reading of Ordinance No. 3176 as amended for enactment.

### REFERENCES AND ATTACHMENTS
Attachment 1: Proposed Ordinance No. 3176 as amended
ORDINANCE NO. 3176

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

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

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

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

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

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

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

C. This Chapter 10.58 is repealed on August 16, 2020, unless the City Council takes further action.

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

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section, or chapter numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

(g) Add headings for purposes of grouping like sections together for ease of reference; and

(h) Correct manifest clerical, grammatical, or typographical errors.

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ORDINANCE NO. 3176

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SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this ______ day of __________________, 2019.

ATTEST:

____________________________
Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of ________________, 2019.

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John Stromberg, Mayor

Reviewed as to form:

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Katrina L. Brown, Assistant City Attorney