

# Council Business Meeting

August 6, 2019

<b>Agenda Item</b>	Second Reading of Ordinance No. 3176 Relating to Public Safety, Adding New Ashland Municipal Code Chapter 10.58	
<b>From</b>	Tighe O'Meara Katrina L. Brown	Chief of Police Assistant City Attorney
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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 It was passed to Second Reading for enactment upon a motion that it contain a provision that the ordinance be repealed in one year unless the Council takes further action.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

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 **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:

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24 (d) Delete references to repealed sections;  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

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1 **SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable,  
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.

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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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24 \_\_\_\_\_  
25 Katrina L. Brown, Assistant City Attorney