# **Council Business Meeting**

## **August 18, 2020**

Agenda Item	Review of Ordinance No. 3176 and Possible First Reading of Ordinance No. 3189 Relating to Public Safety; Adding New AMC Chapter 10.58		
From	Tighe O'Meara David Lohman	Chief of Police City Attorney	
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#### **SUMMARY**

This is a review of Ordinance No. 3176 which was originally passed on August 6, 2019 and expired on August 16, 2020. Ordinance No. 3176 codified the offense of Failure to Provide Name and Date of Birth to a Peace Officer. Should Council desire to re-codify this offense, a draft of the new Ordinance No. 3189 is attached for review and approval of first reading.

#### POLICIES, PLANS, AND GOALS SUPPORTED

Council Goals Section 2.A. Prioritize the "Essential Services", set forth below, including the associated infrastructure: i. Police

#### PREVIOUS COUNCIL ACTION

On August 6, 2019, the City Council passed Ordinance No. 3176 which created the new offense of "Failure to Provide Name and Date of Birth to a Peace Officer". Ordinance No. 3176 included a provision automatically repealing AMC Chapter 10.58 unless the City Council took further action prior to August 16, 2020.

#### BACKGROUND AND ADDITIONAL INFORMATION

Prior to the passage of Ordinance No. 3176, there was no mechanism in either state law or the AMC to deter a person from ignoring a police officer when the officer asks for identifying information in order to issue a violation citation. Due to this limitation, alleged violators were not able to be cited and began to feel emboldened to repeat such offenses. Although no one was cited for violating AMC Chapter 10.56 during the past year, staff feels it has value in motivating people to give peace officers necessary information for citations and supports its reinstatement.

Proposed Ordinance No. 3189 is virtually identical to Ordinance No. 3176 as passed in 2019 with the exception of the date of repeal updated to December 31, 2021.

#### **FISCAL IMPACTS**

The direct fiscal impact to the City would be negligible.

#### STAFF RECOMMENDATION

Staff recommends Council approval of First Reading of Ordinance No. 3189.

#### ACTIONS, OPTIONS, AND POTENTIAL MOTIONS

- 1. I move to approve First Reading of Ordinance No. 3189 and advance it to Second Reading for enactment.
- 2. I move to amend Ordinance No. 3189 by ... and approve First Reading of Ordinance No. 3189.

### **REFERENCES AND ATTACHMENTS**

Attachment 1: Draft Ordinance No. 3189 an Ordinance Relating to Public Safety; Adding New AMC Chapter 10.58



1	ORDINANCE NO. 3189
2	AN ORDINANCE RELATING TO PUBLIC SAFETY; ADDING NEW AMC CHAPTER
3	10.58.
4 5	Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are <b>bold lined through</b> , and additions are <b>bold underlined</b> .
6	THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:
7	<b>SECTION 1.</b> New Chapter 10.58, Failure to Provide Name and Date of Birth to a Peace
8	Officer, is hereby added to the Ashland Municipal Code as follows:
9	10.58.020 Failure to Provide Name and Date of Birth to a Peace Officer
10	A. It shall be unlawful for a person to knowingly fail to provide the person's name and
11	date of birth to a peace officer when the peace officer is issuing the person a citation for a
12	violation. As used in this chapter, "violation" means an offense described in ORS 153.008.
13	B. A person who violates subsection A of this section commits a Class C misdemeanor.
14	C. This Chapter 10.58 is repealed on December 31, 2021, unless the City Council takes
15	further action prior to that date.
16	<b>SECTION 2.</b> 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	<b>SECTION 3. Severability.</b> 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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1	PASSED by the City Council this	_ day of	, 2020.
2	ATTEST:		
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6	Melissa Huhtala, City Recorder		
7	SIGNED and APPROVED this	day of	, 2020.
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11		John Stromberg, Mayor	
12	Reviewed as to form:		
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16	David Lohman, City Attorney		
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