

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Adoption of an Ordinance Concerning Authority of Traffic Control Officers to Direct Traffic and Amending Sections 2.660, 5.010, 5.060, 5.065, 5.275 and 5.276 of the Eugene Code, 1971

Meeting Date: November 15, 2010
Department: Eugene Police
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Captain Rich Stronach
Contact Telephone Number: 541-682-5252

ISSUE STATEMENT

This is an opportunity for the City Council to take action on amendments to Eugene Code 2.660 and 5.010. These amendments would change the title of a community service specialist to a community service officer, providing authority to the community service officer to direct traffic on the streets and public thoroughfares of the city. The amendment to 5.010 of the Eugene Code adds a definition of traffic officer to include community service officers, police officers and any individual designated by the City Manager to serve as a traffic officer. These amendments are necessary to provide authority for Eugene Police Department community service officers to direct traffic in situations concurrent with authority provided by state statute.

BACKGROUND

As presently written, EC 2.660 gives “community service specialists” authority to enforce all parking, vehicle storage, noise disturbance provisions of sections 4.080 and 4.083 of this code, and animal regulations permitted under the laws of this state and city by issuance of a citation, but they are not authorized to make arrests. The position title for a Police Department civilian staff person performing applicable duties is community service officer. These Police Department civilian employees augment the work of police officers in the field, including responding to traffic emergencies, crashes, maintaining safe routes for parades and races on city streets, and assisting police patrol officers with other appropriate duties.

The first purpose of this proposed amendment to the Eugene Code is to change the title of the employee to whom these powers have been given. Secondly, the ordinance would permit the Police Department to utilize CSOs to direct traffic in circumstances where their authority is appropriate to the situation. Examples of situations where the utilization of a community service officer would be a prudent use of resources include temporary traffic control at a vehicle accident scene or during a race on city streets.

The City Council held a public hearing on this ordinance on November 15, 2010. No members of the public spoke either in favor or against the ordinance.

RELATED CITY POLICIES

The City Council's goal of a Safe Community: A community where all people are safe, valued and welcome is supported through a visible and accessible uniformed police presence.

The City has previously maintained consistency between provisions of the Eugene Code and relevant State statutes.

COUNCIL OPTIONS

- (1) Adopt the ordinance as presented;
- (2) Modify the ordinance and adopt it; or
- (3) Reject the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1, adopting the ordinance as presented and amending sections 2.660, 5.010, 5.060, 5.065, 5.275 and 5.276 of the Eugene Code.

SUGGESTED MOTION

I move to adopt an ordinance concerning authority of Traffic Control Officers to direct traffic and amending sections 2.660, 5.010, 5.060, 5.065, 5.275 and 5.276 of the Eugene Code, 1971.

ATTACHMENTS

- A. Proposed Ordinance (Legislative Version)
- B. Proposed Ordinance (Clean Version)

FOR MORE INFORMATION

Staff Contact: Linda Phelps
Telephone: 541-682-6308
Staff E-Mail: linda.m.phelps@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING AUTHORITY OF COMMUNITY SERVICE OFFICERS TO DIRECT TRAFFIC AND AMENDING SECTIONS 2.660, 5.010, 5.060, 5.065, 5.275 AND 5.276 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.660 of the Eugene Code, 1971, is amended to provide:

2.660 **Police Department - Duties, Generally.**

- (1) The chief of police and all city police officers shall have all the powers of arrest permitted a peace officer under the laws of the state.
- (2) The chief of police and all police officers shall perform such duties as may be required by the Charter of the city, the provisions of this Code or directives of the city manager.
- (3) A community service [specialist] **officer** shall perform such duties as may be required by the charter of the city, the provisions of this code, or directions of the city manager. A community service [specialist] **officer** shall have the authority to enforce all parking, vehicle storage, noise disturbance provisions of sections 4.080 and 4.083 of this code, and animal regulations permitted under the laws of this state and city by issuance of a citation, but is not authorized to arrest. ***A community service officer shall have the same authority as a police officer when directing traffic on the streets or public thoroughfares of the city.***
- (4) No person shall fail to obey a lawful order, signal or direction of a community service [specialist] **officer** while such individual is engaged in any of the duties pursuant to the provisions of subsection (3) of this section and is wearing an authorized insignia or uniform.

Section 2. Section 5.010 of the Eugene Code, 1971, is amended by adding the definition

of "Traffic officer" in alphabetical order to the list of definitions to provide:

5.010 **Definitions.** In addition to those definitions contained in ORS Chapters 801 to 825, and Chapter 153, the following words or phrases, except where the context clearly indicates a different meaning shall mean:

Traffic officer. A community service officer, a police officer and any individual designated by the city manager to serve as a traffic officer.

Section 3. Sections 5.060, 5.065, 5.275 and 5.276 of the Eugene Code, 1971, are

amended to provide:

5.060 **Obedience to and Alteration of Control Devices.**

- (1) No person shall disobey the instruction of a [~~traffic officer or~~] traffic control device ***unless directed to do so by a traffic officer.***
- (2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

5.065 Authority of Police and Fire Officers.

- (1) It shall be the duty of police officers to enforce the provision of this chapter.
- (2) In the event of a fire or other public emergency, [~~officers~~] ***members*** of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this chapter.

5.275 Parking Control Officer and Community Service [~~Specialist~~] Officer. Parking control officers and community service [~~specialists~~] ***officers*** are authorized to issue citations and notices of violation of parking provisions of this code to violators, but are not authorized to arrest. Such citations or notices of violation shall be in a form approved by the city attorney and need not be verified by oath.

5.276 Authority to Mark Vehicles. A police officer, parking control officer or community service [~~specialist~~] ***officer*** may mark motor vehicles that are parked, standing, or stopped to aid in the enforcement of parking regulations. Such mark shall be made by chalk upon the tires of the vehicle or by some other convenient method that will not injure or damage the vehicle. Marks so placed shall not be interfered with, concealed, or obliterated or erased by any person other than a police officer, parking control officer, or community service [~~specialist~~] ***officer*** while the vehicle remains parked, standing or stopped at the place where the vehicle is marked.

Section 4. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

22nd day of November, 2010

Approved by the Mayor this

_____ day of November, 2010

City Recorder

Mayor

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- (2) The chief of police and all police officers shall perform such duties as may be required by the Charter of the city, the provisions of this Code or directives of the city manager.
- (3) A community service officer shall perform such duties as may be required by the charter of the city, the provisions of this code, or directions of the city manager. A community service officer shall have the authority to enforce all parking, vehicle storage, noise disturbance provisions of sections 4.080 and 4.083 of this code, and animal regulations permitted under the laws of this state and city by issuance of a citation, but is not authorized to arrest. A community service officer shall have the same authority as a police officer when directing traffic on the streets or public thoroughfares of the city.
- (4) No person shall fail to obey a lawful order, signal or direction of a community service officer while such individual is engaged in any of the duties pursuant to the provisions of subsection (3) of this section and is wearing an authorized insignia or uniform.

Section 2. Section 5.010 of the Eugene Code, 1971, is amended by adding the definition of "Traffic officer" in alphabetical order to the list of definitions to provide:

5.010 **Definitions.** In addition to those definitions contained in ORS Chapters 801 to 825, and Chapter 153, the following words or phrases, except where the context clearly indicates a different meaning shall mean:

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Section 3. Sections 5.060, 5.065, 5.275 and 5.276 of the Eugene Code, 1971, are amended to provide:

5.060 **Obedience to and Alteration of Control Devices.**

- (1) No person shall disobey the instruction of a traffic control device unless directed to do so by a traffic officer.
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- (1) It shall be the duty of police officers to enforce the provision of this chapter.
- (2) In the event of a fire or other public emergency, members of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this chapter.

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