

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Ratifying Ordinance No. 20483 Concerning State Traffic Laws and Providing for an Immediate Effective Date

Meeting Date: January 23, 2012
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Daniel J. Barkovic, Jeff Perry
Contact Telephone Number: 541 682-8414, 541 682-5019

ISSUE STATEMENT

The purpose of this action is to ratify Ordinance No. 20483 concerning State traffic laws which amended Section 5.005 of the Eugene Code, 1971. That ordinance was scheduled for public hearing and possible action on December 12, 2011. When the council got to that portion of the agenda, the Mayor announced the topic. No one signed up to speak at the public hearing concerning the ordinance. The council then passed Ordinance No. 20483 without first formally opening and closing the public hearing. In order to remove any doubt as to the validity of Ordinance No. 20483, an ordinance ratifying Ordinance No. 20483 should be adopted after holding another public hearing.

BACKGROUND

Each biennium, the City Council updates the Eugene Code to ensure that code provisions are consistent with legislated changes in the State's traffic code. Thus, Ordinance No. 20483 was adopted amending EC Section 5.005.

RELATED CITY POLICIES

Municipal courts have concurrent jurisdiction with State courts for all traffic and criminal violations and misdemeanors. The City has maintained consistency between provisions of the Eugene Code and the State statutes in the definition of various violations and misdemeanors in order to provide fair and equitable treatment to offenders.

COUNCIL OPTIONS

No formal action is required as this is a public hearing. Council action is scheduled for February 13, 2012.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for public hearing only. No recommendation is required at this time.

SUGGESTED MOTION

No motion is proposed for this public hearing.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Dan Barkovic, City Prosecutor

Telephone: 541 682-8414

Staff E-Mail: dan.j.barkovic@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE RATIFYING ORDINANCE NO. 20483 CONCERNING STATE TRAFFIC LAWS AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

Ordinance No. 20483 concerning State traffic laws and amendment of Section 5.005 of the Eugene Code, 1971 was scheduled for public hearing and possible action on December 12, 2011. When the Council got to that part of the Agenda, the Mayor announced the topic. No one signed up to speak at the public hearing concerning the Ordinance. The Council then passed Ordinance No. 20483 without first formally opening and closing the public hearing. In order to remove any doubt as to the validity of Ordinance No. 20483, an Ordinance ratifying Ordinance No. 20483 should be adopted after holding another public hearing.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Ordinance No. 20483, which effected the following amendment to Section 5.005 of the Eugene Code, 1971, effective January 1, 2012, is ratified:

5.005 State Traffic Laws. The provisions of ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825 and OAR 740.100.0010 issued thereunder, and Chapter 153, except for Chapter 597 Oregon Laws 2011, Sections 2 through 4, are hereby adopted, and violations thereof shall constitute an offense against the city.

Section 3. In order to ensure proper implementation of the State traffic laws, it is necessary to ratify Ordinance No. 20483 with an immediate effective date. Therefore, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, this Ordinance shall become effective immediately.

Passed by the City Council this

Approved by the Mayor this

_____ day of _____, 2012.

_____ day of _____, 2012.

City Recorder

Mayor