

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing and Possible Action: An Ordinance Concerning State Traffic Laws;
Amending Section 5.005 of the Eugene Code, 1971, and Providing an Effective Date

Meeting Date: December 12, 2011
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
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 amend 5.005 of the Eugene Code, 1971 (EC) by the re-adoption of the State Traffic Code. This proposed amendment reflects changes made during the 2011 session of the Oregon State Legislature which will become effective on January 1, 2012. It is important for law enforcement purposes that this ordinance becomes effective on January 1, 2012. Therefore, this item is scheduled for public hearing and possible action at a single meeting, and provides for an effective date less than 30 days after enactment of the ordinance. The unanimous consent of the council is required for the council to enact this ordinance following the public hearing. The affirmative vote of two-thirds of the council is required for an effective date less than 30 days after enactment of the ordinance.

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. EC Section 5.005 was last updated on January 1, 2010. Since that time, the Legislative Assembly has made changes to the Oregon Vehicle Code, necessitating an amendment to EC 5.005 in order to maintain consistency between state statutes and the Eugene Code.

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

1. Adopt the ordinance as proposed at a single meeting, effective January 1, 2012.
2. Adopt the ordinance as proposed at a single meeting, with a 30-day effective date.
3. Not act tonight, in which case action will be scheduled at a future council meeting.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends Option 1, adopting the ordinance at a single meeting, with an effective date of January 1, 2012.

SUGGESTED MOTION

Move to adopt Council Bill 5058, an ordinance concerning State Traffic Laws, amending Section 5.005 of the Eugene Code, 1971, and providing an effective date.

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 CONCERNING STATE TRAFFIC LAWS; AMENDING SECTION 5.005 OF THE EUGENE CODE, 1971; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.005 of the Eugene Code, 1971, is amended to provide:

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 [~~ORS 153.093 and ORS 153.125~~] **Chapter 597 Oregon Laws 2011, Sections 2 through 4**, are hereby adopted, and violations thereof shall constitute an offense against the city.

Section 2. The City Recorder, at the request of, or with the concurrence 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.

Section 3. As a result of certain Bills that passed during the 2011 Legislation Session which will become effective on January 1, 2012, it is necessary to amend the City Code provision relating to State Traffic Laws effective January 1, 2012. 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 on January 1, 2012.

Passed by the City Council this

Approved by the Mayor this

_____ day of December, 2011

_____ day of December, 2011

City Recorder

Mayor