

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Adoption of Ordinance Concerning State Law Consistency; Amending Chapter 4 (Offenses) and Chapter 5 (Traffic); and Providing an Effective Date

Meeting Date: January 25, 2016
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 2D
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

The council is scheduled to take action on an ordinance to amend parts of chapters 4 and 5 of the Eugene Code in order to update the City Code to make it consistent with state law changes. Most of the proposed amendments reflect changes made by the Oregon State Legislature during the 2015 legislative session. All of the State legislative changes became effective on January 1, 2016, or earlier.

BACKGROUND

Each biennium, the City Council updates the Eugene Code to ensure that Code provisions are consistent with legislated changes to the State's criminal and traffic codes. The attached ordinance amends the Code consistent with the changes made during the 2015 legislative session (or earlier). Specifically, the attached ordinance makes the following changes:

1. Amends EC 4.110 for consistency with ORS 471.410 (providing liquor to person under 21 or intoxicated person). Specifies that a parent or guardian may give or otherwise make alcoholic liquor available to a person under the age of 21 only if the person is in a private residence and is accompanied by the parent or guardian.
2. For consistency with Measure 91 and HB 3400 (legalization of marijuana), deletes the offense of possessing an ounce or less of marijuana (EC 4.240), adds the offense of use of marijuana in a public place (EC 4.241) and adds the offense of marijuana in public view (EC 4.242). Pursuant to Measure 91 and HB 3400, violation of these two new offenses carries a maximum penalty of \$1,000.
3. Amends EC 4.782 for consistency with ORS 164.354 (criminal mischief in the second degree). Increases the minimum amount of reckless property damage for this offense from \$100 to \$500.
4. Amends EC 4.805 for consistency with ORS 164.005(3) (definition of "enter or remain unlawfully") by changing an "or" to an "and."

5. Amends EC 4.812 for consistency with ORS 163.700 (invasion of personal privacy). Makes it a crime punishable by a fine up to \$5,000, one year in jail, or both, for a person to knowingly photograph or video another person's intimate area (defined as nudity or undergarments that are covered by clothing) without the consent of the person being recorded and the person being recorded has a reasonable expectation of privacy.
6. Amends EC 4.888 for consistency with ORS 166.250 (unlawful possession of a firearm) regarding concealing a handgun within a vehicle.
7. Amends EC 5.005 to readopt the State Traffic Code and incorporate all of the amendments made in 2015 to the State Traffic Code.

The City Council held a public hearing on this ordinance on January 19, 2016.

RELATED CITY POLICIES

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

COUNCIL OPTIONS

1. Adopt the ordinance as proposed in Attachment A.
2. Adopt the ordinance with amendments.
3. Take no action on the proposed ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adopting the ordinance as proposed in Attachment A with an immediate effective date.

SUGGESTED MOTION

Move to adopt Council Bill 5151, an Ordinance Concerning State Law Consistency; Amending Chapter 4 (Offenses) and Chapter 5 (Traffic).

ATTACHMENTS

- A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton
Telephone: 541-682-8447
Staff E-Mail: Kathryn.Brotherton@ci.eugene.or.us