

ORDINANCE NO. 1012

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE 9.36.020
RELATING TO MISCELLANEOUS VIOLATIONS**

WHEREAS, the City of Stayton's Municipal Code regulates Miscellaneous Violations;

WHEREAS, the City of Stayton currently charges certain crimes as violations; and

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 9.36.020 to add additional crimes to this list.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. SMC Section-9.36.020 is amended to read as (additions are underlined; deletions appear as ~~strikethroughs~~):

9.36.020 Miscellaneous Violations

1. If a Stayton Police Officer has probable cause to believe any of the following list of offenses has occurred, such offenses shall be treated as violations in the Stayton Municipal Court without penalty of jail time. The definition for each offense will be defined by Oregon Revised Statutes:
 - a. Criminal Mischief III
 - b. Disorderly Conduct II
 - c. Driving While Suspended –Misdemeanor
 - d. Furnishing Alcohol to a Minor
 - e. Harassment –Non-Sexual and Non-Domestic, Violence Related ONLY
 - f. Offensive Littering
 - g. Telephonic Harassment that is not related to a Domestic Violence incident
 - h. Trespass II
 - i. Throwing of burning Material from a Vehicle
 - j. Sale, Possession and Use of Fireworks (Illegal Fireworks)
 - k. Failure to Return Suspended Registration

2. Exception: The officer shall treat the offenses as a misdemeanor if:
 - a. The officer has a reasonable belief that an arrest is necessary to prevent a public safety risk;
 - b. The officer has a reasonable belief that an arrest is necessary to prevent an ongoing or escalating public disturbance; or
 - c. The offender has been cited for the same or similar offense three times within the prior ninety days. (Ord. 977, December 2014)

SECTION 3. Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 22ND DAY OF AUGUST, 2017.

CITY OF STAYTON

Signed: Henry A. Porter By: 8/22/17
Henry A. Porter, Mayor

ATTEST

Signed: 8/22/17 By: [Signature]
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney