

ORDINANCE NO. 777

AN ORDINANCE OF THE CITY OF WILSONVILLE ADDING SECTION 10.250, AMENDING SECTION 10.430, RENUMBERING SECTIONS 10.540 AND 10.550, AND REPEALING SECTION 10.530 OF THE WILSONVILLE CITY CODE

WHEREAS, Wilsonville Code Chapter 10 Offenses regulates activities deemed unlawful in the City of Wilsonville; and

WHEREAS, the City of Wilsonville seeks to clarify its authority to issue penalties for offenses set forth in Chapter 10 Offenses of the Wilsonville City Code.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Section 10.530 is hereby repealed.
2. Section 10.540 Working Out Fine and Costs is renumbered 10.530.
3. Section 10.550 Civil Exclusion is hereby renumbered 10.540.
4. The following is added to Chapter 10 of the Wilsonville City Code as Section 10.250 Animals - Penalties:

“Section 10.250 Animals - Penalties

“Violation of any provision of Chapter 10.200, except Sections 10.240(1) and (2) which are punishable under Section 10.430, is punishable by a fine not to exceed \$1,000.00 or imprisonment not to exceed one year, or by both fine and imprisonment, provided, however, if there is a violation of any provision of Oregon statutory law adopted by reference with a mandatory lesser penalty attaching, punishment may be limited to the lesser penalty described in the State law, but only to the extent required by state law.”

5. Section 10.430 Penalties is amended to read as follows:

“Section 10.430 Penalties

“Except as set forth in 10.250 and 10.400, violations of any provision of Chapter 10 shall be punished as follows:

“(1) First Offence, a fine not to exceed \$250.00.

“(2) Second Offence within one year, shall be subject to punishment of a Class C misdemeanor (not to exceed \$500.00 fine, not to exceed 30 days imprisonment).

“(3) Any person who violates the provisions of WC 10.420 shall be punishable as a Class A misdemeanor (not to exceed \$2,500 fine, not to exceed one year imprisonment).

“(4) Upon conviction of WC 10.410 or WC 10.420, the Court may in addition to any other penalty order that the skateboard that was used be impounded until such times as may appear just and reasonable or may be ordered forfeiture of the skateboard. Provided, however, it shall be a defense to forfeiture if it is proven to the Court by the preponderance of the evidence that the defendant is not the owner of the skateboard and the owner did not know or could not have reasonably known that the skateboard would be ridden in violation of the provisions of this ordinance.

“(5) Any person who is convicted of violating the provisions of WC 10.305 shall be punished as a violation pursuant to Section 1.012.”

5. The City Recorder is directed to amend Wilsonville Code Section 10, as approved above, and to make such format, style, conforming, and numbering changes to match the format and style of the Offenses section of the Wilsonville Code.
6. Except as set forth above, Section 10 of the Wilsonville Municipal Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 2nd day of November, 2015, and scheduled for second reading on November 16, 2015, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 16th day of November, 2015, by the following votes: Yes: -4- No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of November, 2015.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes