

ORDINANCE NO. 1900
MILWAUKIE, OREGON

**AN ORDINANCE IMPOSING A TRAFFIC CITATION FEE AND AMENDING
CHAPTER 10.12 OF THE MILWAUKIE MUNICIPAL CODE BY ADDING A NEW
SECTION 10.12.040**

WHEREAS, the City's Police Department incurs costs in issuing traffic citations, including both direct costs and training and administrative costs; and

WHEREAS, those who commit traffic offenses should pay a portion of the costs of traffic enforcement; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: Chapter 10.12 of the Milwaukie Municipal Code is amended by adding a new Section 10.12.040 to read:

10.12.040 Traffic Citation Assessment Fee

A. Except as provided in Subsection B of this section, all persons who are issued a traffic citation to appear in Milwaukie Municipal Court shall pay a traffic citation assessment fee of \$10.00 per citation. This amount shall be in addition to any other penalty or payment.

B. If the Municipal Court determines that the person issued the citation did not commit the offense or has established an affirmative defense, no traffic citation assessment fee shall be imposed.

C. The amount of the traffic citation assessment fee shall be added to any bail amount for those who do not contest the citation and shall be included as part of the judgment for all those who contest the citation and are determined to have committed the offense.

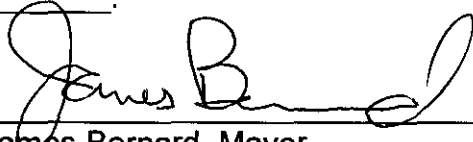
D. Proceeds from payment of the traffic citation assessment fee shall be used for police department training, equipment, and administration.

Section 2: The city council determines that the fee imposed by Milwaukie Municipal Code Section 10.12.040, as adopted by Section 1 of this ordinance, is not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

Read the first time on May 7, 2002, and moved to second reading by 3 - 0 vote of the City Council.

Read the second time and adopted by the Council on May 7, 2002.

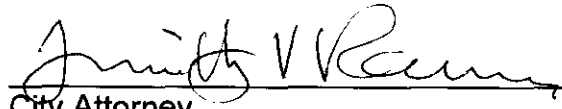
Signed by the Mayor on May 7, 2002.


James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:
RAMIS, CREW, CORRIGAN &
BACHRACH, LLP


City Attorney