

ORDINANCE NO. 1720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING A BACKGROUND INVESTIGATION FEE ON FIREARM PURCHASES, AND CLASSIFYING THE FEE AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION.

WHEREAS, the Oregon State Legislature, in ORS 166.245, has authorized the City of Milwaukie to regulate certain aspects of the possession of firearms, including handguns, rifles and shotguns; and

WHEREAS, the Oregon State Legislature requires these background investigations to be completed by the City of Milwaukie Police Department within 15 days; and

WHEREAS, in conducting these investigations in a complete and thorough manner, the City expends police staff time and incurs expenses for each investigation and it is just and reasonable to require payment of these investigation expenses by the firearm dealer requesting the background check for a prospective firearm purchaser; now, therefore,

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. A processing fee shall be charged for each firearms purchaser background investigation performed pursuant to ORS 166.420(3)(a). The fee shall be submitted to the Police Department with the background inspection request by the dealer. Failure to submit the proper fee with the request shall be grounds for rejection of the application.

Section 2. The City Council finds that the processing fee authorized by this Resolution is not a tax subject to the property tax limitations of Article XI, Section 11B of the Oregon Constitution.

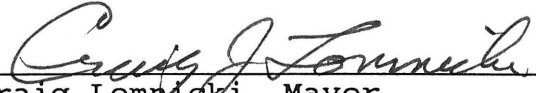
Section 3. Failure to remit the processing fee for a background investigation shall be punishable by a fine not to exceed \$100.00.

Section 4. Whereas the City is already expending police staff time and incurring expenses for each investigation, the City Council finds that an emergency exists and this ordinance shall be effective upon its passage.

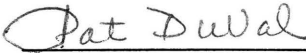
Read for the first time on April 7, 1992 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on
April 7, 1992.

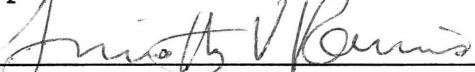
Signed by the Mayor on April 7, 1992.


Craig Lomnicki, Mayor

Attest:


City Recorder

Approved as to form:


City Attorney

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