

ORDINANCE NO. 3A, 1975

AN ORDINANCE PROVIDING FOR THE ADOPTION OF OREGON REVISED STATUTES CHAPTER 133; PROVIDING FOR THE UNIFORM APPLICATION OF THIS ORDINANCE; PROVIDING FOR THE ISSUANCE OF CITATION IN LIEU OF TAKING A PERSON INTO CUSTODY; PROVIDING FOR THE METHOD AND CONTENTS OF CITATION AND PROVIDING A PENALTY FOR FAILURE TO APPEAR; REPEALING SECTIONS 10.2 AND 10.3 OF ORDINANCE NO. 1, 1974; AND DECLARING AN EMERGENCY.

Section 1. Except as stated in Section 7, Chapter 133 of the Oregon Revised Statutes as is applicable to Port Districts and as now or shall hereafter constituted is adopted, unless the context requires otherwise.

Section 2. This ordinance shall apply in any instance, when a person is subject to arrest for violation of a Port of Newport Ordinance and;

1. The arrest is made without a warrant pursuant to ORS 133.310 (1)(a) and (b) or
2. The District Court Judge before whom a complaint is filed authorizes it.

Section 3. A police officer in lieu of taking a person into custody for violation of a Port of Newport Ordinance may issue and serve a citation to the person to appear at the court of the District Court Judge for Lincoln County.

Section 4. The person cited to appear shall appear before the District Court Judge at the time and date and place specified in the citation and said appearance date shall not be later than two weeks from the date the citation was issued.

Section 5. If the cited person fails to appear at the time, date, and place specified in the citation, and a criminal complaint is filed, the District Court Judge shall issue a warrant of arrest immediately upon the person's failure to appear.

Section 6. The procedures in ORS 133.065 as heretofore adopted shall be used in the serving of citation and the content of citation shall be as set forth in said statute.

Section 7. If any person willfully fails to appear pursuant to a citation served under the authority of this ordinance and a complaint is filed, he is guilty of a separate offense and shall be punished by a fine of not more than \$100.00.

Section 8. Section 10.2 and 10.3 of Ordinance No. 1, 1974 is hereby repealed.

Section 9. Ordinance No. 1, 1974 provisions for issuance of citation is not effective for the orderly administration of justice; Violations of said ordinance are occurring without a means by which they can be prosecuted; and it is therefore in the best interests of orderly administration of the Port and for the health safety and welfare of the people of the Port that this ordinance be effective immediately and an Emergency is hereby declared.

Adopted this 14th day of July, 1975.

How B. Swift
President

ATTEST:
Mohava Niemi
Secretary