

**ORDINANCE NO. 590**

**AN ORDINANCE AMENDING ORDINANCE NO. 588 "AN ORDINANCE AMENDING WILSONVILLE CODE CHAPTER 10 PROHIBITING THE USE OF SKATEBOARDS IN TOWN CENTER PARK" AND WILSONVILLE CODE SECTIONS 10.420 and 10.430 RELATING TO PENALTIES FOR SKATEBOARDING OFFENSES IN TOWN CENTER PARK.**

WHEREAS, the City of Wilsonville adopted Ordinance 588 in response to the use of skateboards and vandalism at the City's recently completed Town Center Park and water feature; and

WHEREAS, that ordinance added code sections 10.400, 410, 420 and 430 to provide the offenses and penalties for unlawful skateboard riding and damaging Town Center Park properties; and

WHEREAS, the existing criminal trespass and criminal mischief statutes make the offense of intentional damage to Town Center Park unnecessary; and

WHEREAS, on Petition, the Juvenile Court of Clackamas County waived to the jurisdiction of the Municipal Court, violations of W. C. 10. 400 *et seq.* by juveniles; and

WHEREAS, statutes relating to juvenile justice prohibit incarceration as a penalty in cases involving juveniles, further justifying decriminalization of the offenses; and

WHEREAS, provision for diversion and escalating fines are adequate sanctions for the efficient administration of skateboarding violations in Municipal Court;

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

**Section 1.** That W. C. 10. 430 is amended to read as follows:

10.430 Penalties

(1) Notwithstanding any other code provision, any person who violates the provisions of WC 10.410 shall be punished as follows:

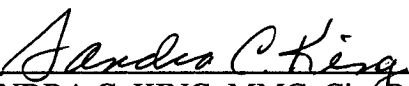
(a) First Offence, a fine of not less than \$100.00 nor more than \$250.00, provided however, in lieu of a fine, the court may order diversion under the City's diversionary program.

(b) Second Offence, or any subsequent offence within one year, shall be subject to a fine up to \$500.00.

(2) Upon conviction of WC 10.410, 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 order 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.

**Section 2.** That W.C. 10.420 is hereby repealed.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18<sup>th</sup> day of July, 2005, and scheduled for a second reading at a regular Council meeting on the 1st day of August, 2005, commencing at the hour of 7:00 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR.

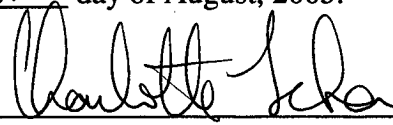
  
SANDRA C. KING, MMC, City Recorder

Enacted by the City Council on the 1st day of August, 2005, by the following votes:

YEAS: -5- NAYS: -0-

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SANDRA C. KING, MMC, City Recorder

DATED and signed by the Mayor this 2<sup>nd</sup> day of August, 2005.

  
CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>