

Chapter 9.04

SPECIAL PROVISIONS

Sections:

- 9.04.010 Short title.
- 9.04.020 Extra territorial effect.
- 9.04.030 Fines--Payment enforced.
- 9.04.040 Installment payment fee established.

9.04.010 Short title. The ordinance codified in this chapter may be cited as the Scappoose offense ordinance. (Ord. 521 §1, 1986)

9.04.020 Extra territorial effect. All police and penal ordinances of the city enacted to protect property and preserve peace and order, including the penalties of fine and imprisonment, now or hereafter enacted and applicable within the city limits, shall apply with equal force and effect to all lands owned or controlled by the city located outside the boundaries of the city, and the right to make arrests and serve process shall likewise apply. (Ord. 521 §11, 1986)

9.04.030 Fines--Payment enforced. If any person shall wilfully neglect or refuse to pay any fine imposed upon conviction of a violation of this title, he shall be in contempt of court and be confined to jail one day for each twenty-six dollars of such fine. (Ord. 521 §12, 1986)

9.04.040 Installment payment fee established. A.

1. Except as provided in this section, whenever the city municipal court imposes a fine, assessment, default or other such judgment including any monetary obligation as a result of a violation of a city ordinance provision, including Oregon Statutes adopted by reference, concerning a criminal action as defined in ORS 131.005, and the court gives the debtor a period of time to pay after the financial obligation is imposed, an installment payment fee in addition to such fine, default, or other such judgment including any monetary obligation shall be collected and credited to the city general fund. The fee schedule shall be established by resolution of the city council and may be revised by resolution.

2. If the municipal court determines that the person issued the citation did not commit the offense or has established an affirmative defense, or the charge is dismissed for whatever reason, or the person pays the amount owed within five business days, no fee shall be imposed. No fee shall be imposed if no fine, other assessment, or other monetary obligation is imposed for the offense. The fee does not apply to citations for violation of parking limitations established by city ordinance, resolution or order.

3. After imposition of the fee for one judgment including a monetary obligation as described herein, the Scappoose municipal court judge may waive the fee prescribed for subsequent judgments including a monetary obligation imposed on the same day as the first offense. Notwithstanding the above, multiple violations on the same citation resolved on the same day shall have only one fee imposed if an installment payment plan is established.

4. The fee prescribed pursuant to this section shall be imposed upon an admission of an allegation or determination of guilt on a probation violation, when a suspended monetary obligation is imposed or when the allegation is for failure to pay and a new pay agreement is permitted by the court.

5. If bail is forfeited or applied, the fee prescribed pursuant to this section shall be deducted only if there is a balance remaining to be paid on an installment basis.

B. The city council determines that the installment payment fee imposed by this section is not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

C. Nothing in this section shall be interpreted to limit or restrict the power of the municipal court to impose a collection fee as per ORS 137.118. (Ord. 731 §§ 1, 2 and 3, 2003)