

RESOLUTION No. 11/12-15

TITLE: A RESOLUTION AUTHORIZING THE MUNICIPAL COURT TO ESTABLISH AND REVISE FEES FOR TRAFFIC VIOLATIONS AND TRAFFIC SCHOOL PROGRAM FEES.

WHEREAS, the Dayton Municipal Court was established by the City Council and has jurisdiction to adjudicate all State Motor Vehicle Code violations which occur within the city limits of Dayton, Oregon; and;

WHEREAS, the State of Oregon has restructured its Schedule of Fines on Violations as of January 1, 2012 and the City desires to revise it's existing fee structure to conform with State standards and;

WHEREAS, the City desires to establish new fees for the Traffic School Program; and

WHEREAS, the City of Dayton as the legislative body for the City, may adopt enactments that establish authority for the Municipal Court.

NOW THEREFORE the City of Dayton resolves as follows:

1. The Dayton City Council makes the following findings:
 - a. The City finds new fees and assessments are necessary to effectuate the City's goals;
 - b. The Court is authorized to establish and levy the fees and assessments through a General Order of the Court; and
 - c. The Court is directed to establish a Uniform Presumptive Fine Schedule to include the attached fine revisions and assessments.
2. The Dayton City Council authorizes and adopts the revisions to the Traffic School Program as set forth in General Order 2012-008, attached as Exhibit A..
3. The Dayton City Council authorizes the the Municipal Judge to adopt, amend and enforce General Orders of the Court; and
4. This resolution shall become effective immediately upon adoption.

ADOPTED this 13th day of February 2012.

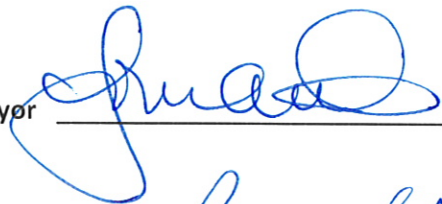
In Favor: Blackburn, Evers, Frank, Utt, White, Witt, Wytoski

Opposed: None

Absent: None

Abstained: None

Jolie White, Mayor

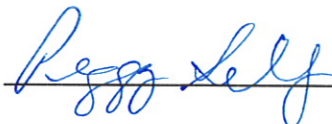


Date Signed

2/15/12

ATTEST:

Peggy Selberg, City Recorder



Date of Enactment

2/13/2012

**IN THE MUNICIPAL COURT OF THE CITY OF DAYTON
YAMHILL COUNTY, STATE OF OREGON**

In the Matter of revising and establishing) No. 2012-008
fine amounts for Traffic School and Amending)
the Dayton Municipal Court & Violations Bureau) GENERAL ORDER
Fine and Fee Assessment Schedule)

RECITALS

1. The Dayton Municipal Court has jurisdiction to adjudicate all State Motor Vehicle Code violations which occur within the city limits of Dayton, Oregon.
2. The 2011 State Legislative Assembly enacted new laws that change base fine amounts and language, establishing presumptive, minimum, and maximum fine amounts for violation offenses in Oregon effective January 1, 2012.
3. The Court established a Traffic School program through General Order No. 2007-001 and desires to revise the existing fees.
4. The Dayton City Council has adopted Resolution No. 2011/12-15 approving revisions to the Municipal Court Fees.

IT IS ORDERED AS FOLLOWS:

1. The City adopts the State 2012 "Schedule of Fines" on Violations (SOF-12) pursuant to HB 2712 to be effective January 1, 2012 for all violations occurring on or after that date.
2. General Order No. 2009-007 Section 4 authorizing a \$20 City Assessment is repealed in its entirety pursuant to HB 2712.
3. General Order No. 2009-007 WHICH SECTIONS? is amended to reflect an increase in fees to the court for administration of the Traffic School program as follows: \$75.00 for Class "D" violation; \$120 for a Class "C" violation; \$220 for Class B violation.
4. Attached as Attachment 1 and incorporated by reference herein is an amended Dayton Municipal Court and Violations Bureau Fine and Assessment Schedule.

THIS ORDER SHALL BECOME EFFECTIVE ON FEBRUARY _____ 2012.

Dated this ____ day of February 2012

Terrence D. Mahr
Municipal Court Judge

EXHIBIT TO GENERAL ORDER # 2012-008

DAYTON MUNICIPAL COURT & VIOLATIONS BUREAU FINE AND FEE ASSESSMENT SCHEDULE

MOTOR VEHICLE OFFENSES:

Violation Class	Presumptive Fine Amount	Special Zone Presumptive Fine Amount	One or two convictions in last two years	Minimum Fine Amount	Maximum Fine Amount
Class D	110.00	220.00	See Traffic School	60.00	250.00
Class C	160.00	320.00	See Traffic School	80.00	500.00
Class B	260.00	520.00	See Traffic School	130.00	1,000.00
Class A	435.00	870.00	See Judge	220.00	2,000.00

Disabled Parking Violation	
1 st Offense	2 nd Offense & Subsequent Offenses
Class C 160 No minimum fine	Class A 435 No minimum fine

* Changes are indicated in **RED**

Municipal Court Fee Type	Fee Amount	Proposed
City Assessment:	\$20.00	No longer allowed
Postponement or Failure to Appear for a Trial	\$35.00	No Change
Court Fee for Drivers License Suspension & Reinstatement	\$30.00	No Change
Late Payment Fee:	\$25.00	No Change
Collection Fee to be Assessed by:	Collection Agency	No Change
Vehicle Impound Fee:	\$100.00	No Change
Fixit-Ticket Program - Equipment Citations	\$75.00	No Change
Fixit-Ticket Program - Administrative Matters	\$150.00	No Change

Seatbelt/Traffic School Program	Current Administrative Fee Amount	PROPOSED	
		No convictions within the last two years	*One or two convictions within the last two years
Class D Violation	\$75.00	\$75.00	110.00
Class C Violation	\$100.00	\$120.00	160.00
Class B Violation	\$200.00	\$220.00	260.00
Class A Violation	See Judge	See Judge	See Judge
55 Alive Program (all violations)	Varied	\$100.00	\$100.00

Traffic School Notes:

***Present charge does not count when considering convictions for purposes of eligibility.**

One or two convictions within the last two years on driving record:

- 1) Defendant must attend court and appear before the Judge
- 2) Defendant must pay the presumptive fine amount on the citation

- 3) Defendant agrees to complete a Court approved traffic school course within 60 days
- 4) Defendant agrees to pay the traffic school course fee in addition to the presumptive fine amount
- 5) Defendant agrees to show the Court proof of traffic school completion
- 6) The Court agrees to dismiss traffic violation