

ORDINANCE NO. 5073

An Ordinance amending McMinnville Municipal Code Chapter 9.42 relating to the designation of the Downtown Exclusion Zone within the City of McMinnville, and removing the sunset clause.

RECITALS:

The City Council has previously passed Ordinance 5006 enacting a "Downtown Exclusion Zone" in the downtown core of McMinnville. This Ordinance has a "Sunset Clause" MMC 9.42.060 repealing it automatically on July 1, 2019.

The Downtown Exclusion Zone has been an effective enforcement tool for the McMinnville Police department. The tool has protected the congested commercial district from persons whose unlawful activities and/or criminal conduct poses a threat the public's peace, dignity, safety and welfare of the public at large by providing the ability to temporarily exclude certain repeat offenders from the Zone.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the Attached "Exhibit A", which are incorporated by this reference, are hereby adopted.
2. An emergency is hereby declared and this Ordinance shall take effect immediately after its passage by the Council.

Passed by the Council this 25th day of June 2019, by the following votes:

Ayes: Garvin, Geary, Peralta, Stassens

Nays: _____

Approved this 25th day of June, 2019.



MAYOR

Approved as to form:



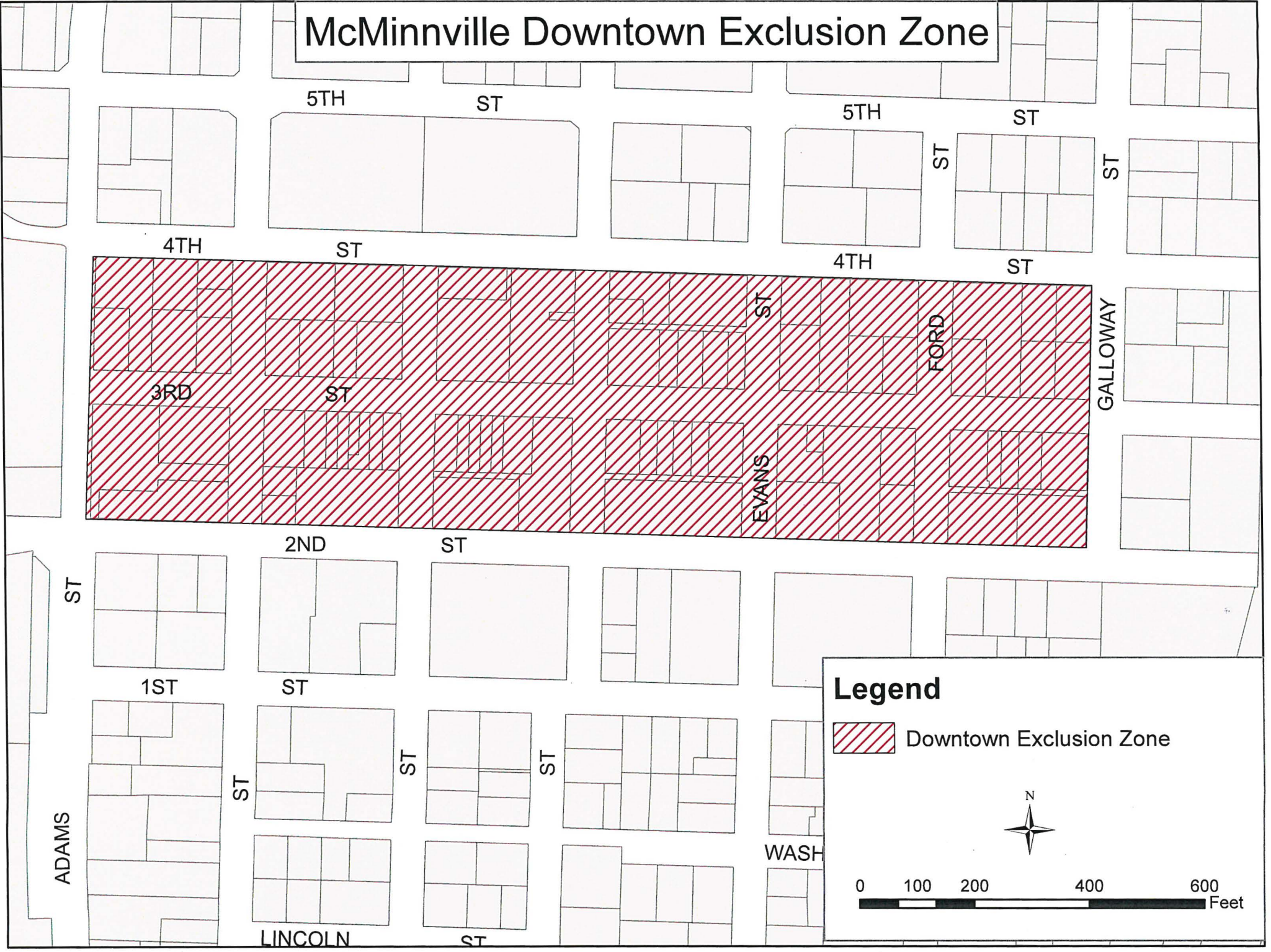
CITY ATTORNEY

Attest:




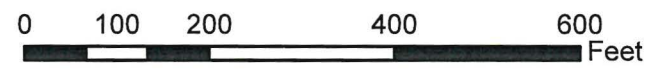
CITY RECORDER

McMinnville Downtown Exclusion Zone



Legend

 Downtown Exclusion Zone



“Exhibit A”

Chapter 9.42 EXCLUSION ZONES*

Sections:

- 9.42.010** **Downtown Exclusion Zone.**
- 9.42.020** **Exclusion.**
- 9.42.030** **Term of Exclusion.**
- 9.42.040** **Exclusion Enforcement.**
- 9.42.050** **Exceptions to Exclusion Order.**
- ~~**9.42.060** **Sunset Clause.**~~

* Chapter [9.48](#) does not apply to this chapter.

(Prior history note: Enhanced Enforcement Areas, repealed by Ord. 4948 §1, 2011)

9.42.010 **Downtown Exclusion Zone.**

The McMinnville Downtown Exclusion Zone (DEZ) is designated to protect the public in a congested commercial district from persons whose violation activity or criminal conduct poses a threat to the peace, dignity, safety and welfare of the public at large. The boundaries of the DEZ are described as follows:

Beginning at the northeast corner of the intersection of NE Second Street and NE Adams Street, then north along east side of NE Adams Street to the southeast corner of NE Fourth Street, then east along south side of NE Fourth Street to the southwest corner of NE Galloway Street, then south along the west side of NE Galloway Street to the northwest corner of NE Second Street, then west along the north side of NE Second Street to the point of beginning (as shown on Map A). (Ord. 5006 §1, 2016; Ord. 4948 §1, 2011).

9.42.020 **Exclusion.**

As a condition of probation in the municipal court, a person may be subject to an Exclusion Order, prohibiting such person from entering or remaining in the DEZ for the period of time described in

MMC [9.42.030](#), when that person is convicted of a ~~violation or~~ crime that occurred within the boundaries of the DEZ. (Ord. 5006 §2, 2016).

9.42.030 Term of Exclusion.

A. Unless otherwise provided in the Exclusion Order, the Term of Exclusion shall take effect immediately upon conviction of a ~~violation or~~ crime described in MMC [9.42.020](#), and shall continue for the number of days described in the Exclusion Order.

B. The Term of Exclusion shall be recommended by the city prosecutor and determined by the Municipal Judge based on the nature of the underlying crime, the number ~~of prior violation and~~ criminal convictions the person has received during the 2 year period immediately preceding the date of the underlying crime, the term of probation, and other factors related to the peace, dignity, safety and welfare of the public at large.

C. The maximum Term of Exclusion that may be imposed as a condition of probation shall be:

~~1. 180 days, if convicted of a violation.~~

12. 240 days, if convicted of a crime classified as a Class C Misdemeanor.

23. 300 days, if convicted of a crime classified as a Class B Misdemeanor.

34. 360 days, if convicted of a crime classified as a Class A Misdemeanor.

D. If a person is convicted of more than one ~~violation or~~ crime related to the same incident, then the most serious ~~violation or~~ crime shall be used for the purpose of calculating the maximum Term of Exclusion. (Ord. 5006 §3, 2016).

9.42.040 Exclusion Enforcement.

If a person excluded from the DEZ is found within the DEZ during the Term of Exclusion, that person may be cited, summoned and/or ordered into municipal court for a probation violation hearing. A person is not considered to be within the DEZ if the person is within a vehicle that is passing through the DEZ. (Ord. 5006 §4, 2016).

9.42.050 Exceptions to Exclusion Order.

A. In any probation violation hearing in which the violation of an Exclusion Order issued pursuant to this chapter is a basis for the violation, it is a defense that the person was within the DEZ for one or more of the following reasons:

1. The person owns or rents a residence within the DEZ, and resides at that residence.
2. The person owns a business or is employed within the DEZ.
3. The person was visiting the residence of an immediate family member that is located within the DEZ.
4. The person was consulting with an attorney whose primary office is located within the DEZ.
5. The person was attending religious services within the DEZ.
6. The person was receiving social services, government services, or mental health, medical, alcohol or drug treatment services within the DEZ.
7. The person was conducting banking, investing or other similar financial services activities within the DEZ.
8. The person was performing court ordered community service obligations within the DEZ.

B. For the purposes of this section, the term "immediate family member" shall mean the spouse, parent, stepparent, grandparent, child, grandchild, sibling, stepsibling, son-in-law, or daughter-in-law of the person. (Ord. 5006 §5, 2016).

9.42.060 — Sunset Clause.

~~The provisions of this chapter shall be automatically repealed on July 1, 2019. (Ord. 5006 §6, 2016).~~

The McMinnville Municipal Code is current through Ordinance 5062, passed March 12, 2019.