

ORDINANCE NO. 476

AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY; PRESCRIBING THE METHOD AND PROCEDURE FOR SELECTING JURORS; PROVIDING FOR THE PAYMENT OF A JURY FEE; AND DECLARING AN EMERGENCY.

WHEREAS, the Legislature of the State of Oregon has heretofore enacted, and the Governor of the State of Oregon has approved a law providing that in all prosecutions for any crime or offense defined and made punishable by any City Charter or Ordinance, the defendant shall have the right of trial by jury, and that juries, in such cases, shall be selected from the voters registration list used at the last City Election in the same manner in which juries are selected for Circuit Court; and

WHEREAS, under the provisions of Chapter VII, Section 2, of the Canby City Charter, enacted December 6, 1948, and effective January 1, 1949, it is provided that trials in the Recorder's Court of cases for violation of City Ordinances shall be had without juries, and by reason thereof the City of Canby, Oregon, has no provision for a jury in said Court, and by reason of said legislation, it is necessary that such provision be made; NOW THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The "RECORDER'S COURT OF CANBY", has created and defined by the Canby City Charter, shall be known and identified in all pleadings filed in the Court as "The Municipal Court of the City of Canby", and the City Recorder, as the Judge of said Court, shall be known as the "Municipal Judge".

Section 2. Every person charged with any offense defined and made punishable by the City Charter or any Ordinance of the City of Canby shall have the right to trial by jury, upon giving notice to the Municipal Judge in writing, together with a deposit of THIRTY AND NO/100 - - (\$30.00) - - DOLLARS jury fee, at least six (6) days excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court.

Section 3. The trial jury in the Municipal Court shall consist of six (6) persons duly sworn to try the cause for which they are called; and the jurors shall be selected as hereinafter provided.

Section 4. That in order to act as a juror in the Municipal Court of the City of Canby, a person must have the qualifications prescribed in Chapter 10 of Oregon Revised Statutes, and in addition thereto, must be an inhabitant and registered voter within said City of Canby at the time when he is summoned.

Section 5. Within five (5) days after the adoption of this Ordinance and during the first week in January in each year thereafter, the Municipal Judge of the City of Canby, together with the Mayor of said City, shall meet and make a list containing the names of not less than one hundred (100) persons who shall comprise the jury list for the calendar year in which they are selected. The jury list shall be made by selecting by lot names from the voter's registration list used at the last preceding City Election. The Municipal Judge and Mayor shall reject the names of persons selected for the jury list whom they know or believe to be unqualified as jurors because of mental or physical disabilities, or not otherwise possessing those qualifications for a juror as prescribed by this Ordinance. The jury list, when completed, shall contain the Christian name and surname and the place of residence and occupation of each person named therein, and shall be certified by the Municipal Judge and placed on file in his office. After the jury list has been completed, a card shall be prepared separately for each juror, and the cards when prepared shall be deposited in the office of the Municipal Judge in a sufficient box carefully secured which shall be known as the jury box.

Section 6. When a jury is demanded in the Municipal Court of the City of Canby, and the fee therefor is paid as hereinabove set forth, the Municipal Judge shall draw from the jury box, in the presence of the parties or their attorneys unless such requirement be expressly waived by them, twelve cards or any greater number if necessary until the names of twelve persons who are deemed able to attend at the time and place required are obtained. The Municipal Judge shall then make and sign a list of the twelve names thus drawn, to be the jury panel.

Section 7. If it appears to the Municipal Judge that a person whose name is drawn is dead or resides outside the City, the card must

be destroyed. If it appears to the Municipal Judge or if he has good reason to believe that a person whose name is drawn is temporarily absent from the City or is unwell or so engaged as to be unable to attend at the time and place required without great inconvenience, the card must be laid aside without the name thereon being entered on the list drawn and returned to the jury box when the drawing is completed.

Section 8. When the drawing of the twelve names is completed, the Municipal Judge shall direct the Chief of Police to summon the persons whose names were drawn to appear for jury duty at a prescribed time and place, and the Chief of Police shall forthwith deliver to each of the person whose name is drawn an appropriate order signed by the Municipal Judge, which shall direct such person to appear as a juror before the Municipal Court at such designated time and place. The Chief of Police shall return immediately to the Municipal Judge a record of the persons to whom the Summons for jury duty was served, and if after a diligent search, the Chief of Police is unable to locate and serve any person with a Summons for jury duty, the Municipal Judge shall draw another card from the jury box and issue an appropriate order for jury duty, and direct to the Chief of Police for service, and this process shall be continued until twelve persons have been selected from the jury box and service on them has been made requiring them to appear for jury duty in the cause then pending before the Municipal Court.

Section 9. At the time of trial, the trial jury shall be selected from the twelve members of the jury panel, and each party may take challenges for cause and one peremptory challenge and no more.

Section 10. Trials shall be conducted as trials in District Courts and rules of evidence shall be the same as in State Courts, and shall include the applicable statutes of the State of Oregon regarding the introduction or admission of evidence.

Section 11. Five of the six jurors sworn to try the cause must concur to render a verdict.

Section 12. If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

Section 13. Those jurors notified and who appear at the trial shall receive compensation from the City of Canby in the amount of


FIVE AND NO/100 - - - (\$5.00) - - - DOLLARS for each day of attendance upon the Municipal Court.

Section 14. Any person notified to appear as a juror and disregarding such notice may be adjudged in contempt of Court by the Municipal Judge and fined a sum not exceeding TWENTY FIVE AND NO/100 - - (\$25.00) - - DOLLARS.


Section 15. All Ordinances or parts of Ordinances in conflict herewith or inconsistent with this Ordinance shall be and the same are hereby repealed.

Section 16. It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the Canby City Council and approval by the Mayor.

Passed on first reading at a regular meeting of the Canby City Council this 7th day of December, 1964; ordered posted in three public and conspicuous places in the City of Canby for a period of two full calendar weeks, as required by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 4th day of January, 1965, at 8:00 o'clock p.m., at the Canby City Hall.

  
FRED STEFANI - Mayor

ATTEST:

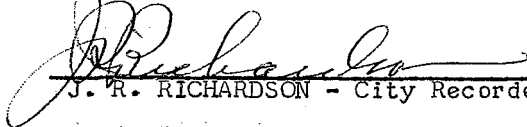
  
J. R. RICHARDSON - City Recorder

Passed on final reading by the Canby City Council this 4th day of January, 1965, by the following vote: Yeas 5 . Nays 1 .

Approved by the Mayor for the City of Canby this 4th day of January, 1965.

  
FRED STEFANI - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder