

A BILL FOR AN ORDINANCE AMENDING) Ordinance Bill No. 21
LEBANON MUNICIPAL CODE) for 2002
CHAPTER 2.16, MUNICIPAL COURT) Bill Number 2308

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.16 of the Lebanon Municipal Code, Municipal Court, is amended to read as follows:

2.16.010 Municipal Judge

The office of Municipal Judge, as required by the Lebanon City Charter, is hereby created. The holder of the office shall be selected by the City Council to serve at the pleasure of the Council.

2.16.020 Pro Tempore Municipal Judge

At least annually, the Municipal Judge shall make recommendations to the City Council for the appointment of one or several persons who shall act as a pro tempore Municipal Judge. This officer or officers shall be selected by the Council to serve at the pleasure of the Council. The officer or officers shall act only when the Municipal Judge is unable to perform the duties of Municipal Judge by reason of absence from the City, illness, vacation or disqualification by personal knowledge or relationship to the cause before the Municipal Judge or for some other reason that the Municipal Judge cannot act in any particular matter.

2.16.030 Qualifications

The holder of the office of Municipal Judge or pro tempore Municipal Judge shall be admitted to the practice of law before the Supreme Court of the State of Oregon.

2.16.040 Municipal Court – Authority

The Municipal Judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. In addition to the powers set forth in the Lebanon City Charter, the Municipal Judge may accomplish by any lawful means the serving of subpoenas, notices of jury duty, summonses, and all other orders of the court necessary for the proper conduct thereof and, within the limit set by the penalty and state law or local ordinance, may prescribe bail, security deposit, fine or forfeiture and impose assessments for violation of any provision of this code.

The Municipal Judge may, by rule, appoint clerks of the court for the purpose of accepting bail or fines in the event that the Judge is not present. The Judge shall further have the power to create a minimum bail schedule in accordance with state law and appoint traffic commissioners for the purpose of accepting fines.

The Judge shall be responsible for the keeping of such dockets and accounts necessary to properly record all proceedings of the Municipal Court.

In criminal cases, the cost and disbursements shall be added to the fine, penalty or sentence imposed; provided, the court, at its discretion in justifiable cases, may waive payment of all or part of the costs and disbursements.

2.16.050 Time for Holding Court

The Municipal Judge shall establish by appropriate order a regular time for holding court session. In addition to the time established by order or the court, Municipal Court may be held at such other times as the Judge deems necessary for the protective rights of a person charged with violations.

2.16.060 Municipal Court – Procedure.

- A. All proceedings in Municipal Court shall be governed by the Lebanon City Charter, the general laws of the state of Oregon applicable to justices of the peace and justices' courts, except as otherwise prescribed by ordinance or by rule of the court.
- B. The Judge may, by court rules not inconsistent with the laws of the state of Oregon applicable to justices of the peace and justices' courts, set forth trial procedures for the conduct of trials in the Municipal Court.
- C. The Municipal Judge shall establish methods of creating jury lists in accordance with state law from which trial juries are selected in the court, and may control the process of the selection of jurors to serve on trials which come before the court.

2.16.070 Contempt of court.

The following acts or omissions, in respect to the Municipal Court or proceeding therein, are contempts of the authority of the court:

- A. Disorderly, contemptuous or insolent behavior toward the judge, while holding the court, tending to impair the court's authority or to interrupt the due course of a trial or other judicial proceeding;
- B. A breach of the peace, boisterous conduct or violent disturbance tending to interrupt the due course of a trial or other judicial proceeding;
- C. Misbehavior in office or other willful neglect or violating of duty by an attorney, clerk, police officer or other person appointed or selected to perform a judicial or ministerial service;

- D. Deceit or abuse of the process or proceedings of the court by a party to a proceeding;
- E. Disobedience of any lawful judgment, decree, order or process of the court, including, but not limited to, holding a prospective juror who disregards a notice of jury duty in contempt of court;
- F. Any other unlawful interference with the process or proceedings of the court;
- G. Disobedience of a subpoena duly served or refusing to be sworn or answer as a witness.

2.16.080 Contempt of Court — Sanctions.

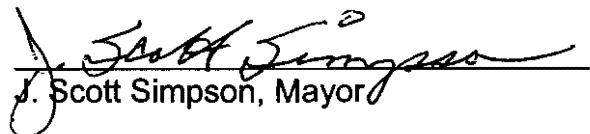
The Judge of the Municipal court shall have the power to impose sanctions for contempt of court as authorized by ORS 33.105.

2.16.090 Saving Clause.

The amendments to this chapter shall not effect the arrest, prosecution, conviction and punishment of any person who violates this chapter prior to the effective date of these amendments to the ordinance.

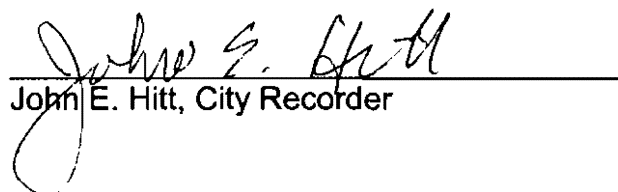
Section 2. The provisions of this ordinance shall become effective thirty days after its passage by the City Council.

Passed by the City Council by a vote of 5 yes and 0 no, on June 12, 2002.



J. Scott Simpson, Mayor

Attest:



John E. Hitt, City Recorder