

A BILL FOR AN ORDINANCE AMENDING)
TITLE 2, SECTION 16, OF THE LEBANON)
MUNICIPAL CODE REGARDING AUTHORITY)
OF THE MUNICIPAL COURT TO COLLECT)
COSTS IN ALL CASES THAT COME)
BEFORE THE LEBANON MUNICIPAL COURT)

Ordinance Bill No. 2012-1

Ordinance No. 2829

WHEREAS, Section 2.16 of the Lebanon Municipal Code provides for the authority of the Lebanon Municipal Court; and

WHEREAS, the Lebanon Municipal Court, like all municipal courts, has a policy of imposing costs against defendants who come before the Court and which power is generally found to be an inherent power of the Court; and

WHEREAS, Section 2.16.040 of the Lebanon Municipal Code does not currently contain a provision explicitly providing for the imposition of costs; and

WHEREAS, the City of Lebanon has authority under the municipal home rule provisions of the Constitution of the State of Oregon to specifically establish the power of the Lebanon Municipal Court to establish, impose and collect costs in all cases coming before the municipal court.

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Ordinance 2.16.040 of the Lebanon Municipal Code is hereby amended as follows:

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.

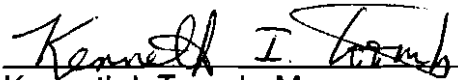
The municipal judge may, by rule, appoint clerks of the court for the purpose of accepting bail or fines in the event that the judge is not present. The judge shall further have the power to create a minimum bail schedule in accordance with state law and appoint traffic commissioners for the purpose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

The municipal judge shall have authority to establish, impose and collect costs in addition to regular fines in all cases coming before the municipal court. In all cases, the costs and disbursements shall be added to any 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.

Adopted by the Lebanon City Council and executed by the Mayor on this 11th day of January, 2012, with 5 Yeas and 0 Nays.

CITY OF LEBANON, OREGON



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

ATTESTED:



Linda Kaser, City Recorder