

CITY OF SHERWOOD

ORDINANCE NO. 98-1043

AN ORDINANCE PRESCRIBING PROCEDURES WITH RESPECT TO OFFENSES UNDER THE ORDINANCES OF THE CITY OF SHERWOOD, TRIABLE IN THE MUNICIPAL COURT OF THE CITY OF SHERWOOD; PROVIDING FOR SECURITY OF COSTS; PROVIDING FOR ASSESSMENT OF COSTS; ESTABLISHING GENERAL PROVISIONS AND PROCEEDINGS FOR PROSECUTION OF OFFENSES

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. This ordinance shall be known as the "Sherwood Offense Procedure Ordinance" and may be cited as such.

Section 2. Filing Complaint by Private Person as Commencement of an Action. In municipal court, action is commenced by the filing of the complaint therein, verified by the oath of the person commencing the action who is thereafter known as the complainant. A complaint may be filed by a private person, a police officer, code enforcement officer, or other city representative.

Section 3. Complaint. The complaint shall be deemed sufficient if it contains the name of the court, title of the action, statement of the offense charged, that the offense was committed on or about a designated date or during a designated time, a statement of the acts constituting the city offense in ordinary and concise language in such manner as to enable a person of common understanding to know what is intended and be signed by the private complainant, police officer, code enforcement officer, or other city representative bringing the charge.

Section 4. Security for Costs. Before filing or receiving the complaint in an action, the municipal judge may require a private complainant to deposit as security for costs and disbursements the sum of \$50.00.

Section 5. Costs. The municipal court shall assess the sum of \$50.00 as and for costs in every case of finding of guilt by the court, in every case of a guilty plea, and in each instance of bail forfeiture on a charge of violation of a municipal ordinance; except that no costs shall be assessed in cases where the fine imposed is less than \$50.00.

Section 6. Issuance, Requisites, Execution, and Return of Warrant of Arrest. A warrant of arrest in an action in a municipal court is issued, directed, and executed in all respects as the warrant mentioned in ORS 133.140, except that it shall be made returnable only before the judge who issues it.

Section 7. Citations to Violators.

(a) City police officers may, if an arrest is made without a warrant, or if a person is arrested by a private citizen and is turned over to a peace officer, or if the municipal judge before whom a complaint is filed authorizes it, issue a citation in lieu of continuing custody in those cases in the form and manner authorized by Chapter 244 Oregon Laws of 1969. (ORS 133.045 through 133.110 and ORS 156.050).

(b) If any person wilfully fails to appear before the municipal court of the city of Sherwood pursuant to a citation issued and served under the authority of Chapter 244, Oregon Laws of 1969, and subsection (a) of this section, and a complaint is filed, he shall be deemed guilty of a violation of this ordinance and shall, upon conviction, be punished by a fine of not more than \$500.00.

Section 8. Reading Complaint to Defendant; Defendant to Plead. When the defendant appears, or is brought, before the municipal judge, the complaint shall be read to him; and he shall plead thereto at that time, or within such additional time as the municipal judge may grant for entry of plea.

Section 9. Defendant's Plea; Refusal to Plead. The defendant may plead the same pleas as upon an indictment. His plea shall be oral and entered in the docket. If the defendant refuses to plead, the municipal judge shall enter the fact, together with the plea of not guilty on his behalf.

Section 10. Trial by Court. Upon a plea other than a plea of guilty, the municipal judge shall proceed to try the issue at a date scheduled for trial by the court, unless continued for cause.

Section 11. State Statutes to Govern. When not governed by this ordinance, or by the city charter, all proceedings prior to judgment, with respect to actions in municipal court for the violation of the city ordinance, shall be governed by applicable general rules of the state governing justice of the peace and justice courts.

Section 12. City of Sherwood Ordinance 605 is hereby repealed.


Section 13. Effective Date. This ordinance shall become effective 30 days after its passage and approval.

Duly passed by the City Council
this 28 day of April, 1998



Jon Bormet, City Recorder

Approved by the Mayor this 28 day
of April, 1998



~~Ron Tobias, Mayor~~
Bill Boyle

	<u>Aye</u>	<u>Nay</u>
Boyle	<input checked="" type="checkbox"/>	___
Cottle	<input checked="" type="checkbox"/>	___
Krause	<input checked="" type="checkbox"/>	___
Tobias	<input checked="" type="checkbox"/>	___
Turner	<input checked="" type="checkbox"/>	___