

TITLE 1
CHAPTER 6

MUNICIPAL COURT; JUDGE

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1-6-1: MUNICIPAL COURT; JURY TRIALS:

1-6-1-1: JURY PROVISIONS:

- A. A jury list shall be prepared in the following manner for 1982 and each calendar year thereafter.
- B. The Court Clerk shall prepare or cause to be prepared a preliminary jury list. Juries shall be selected from the latest tax roll and registration books used at the last city election. Names shall be selected at random from the source lists. A random selection may be made by manual or electronic means. (Ord. 6, Series 1991, 4-1-91).
- C. The Court Clerk shall prepare or cause to be prepared a jury list from the preliminary jury list. Only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030 shall be placed on the jury list. The number of names to be placed on the jury list shall be determined by the Municipal Judge. The jury list may include all or a random selection of the qualified persons on the preliminary list. A random selection may be made by manual or electronic means.
- D. Periodically throughout each year, as directed by the Municipal Judge, the Court Clerk shall select and notify jurors to serve for a two month term. Such selection shall be made on a random basis by manual or electronic means. (Ord. 1, 2013)
- E. In the event a juror is excused by the Municipal Judge from jury service for the entire two month term for which the juror was selected, that juror may be placed back on the jury list, or may, at the discretion of the Municipal Judge, be directed to serve any subsequent two month term within the succeeding twelve (12) months. (Ord. 1, 2013)
- F. The Court Clerk shall retain as Municipal Court records the preliminary jury list, the jury list and the selected jurors for each two month term. (Ord. 1, 2013)
- G. In the event random selections are made manually, the Court Clerk shall make such selection under supervision of at least two (2) City officials, which may include the Municipal Judge, City Recorder or Police Chief, who shall assist in such selection and certify that such selection was made on a random basis. (Ord. 658, 11-10-81)

1-6-1-2: CONDUCT OF TRIALS:

- A. Conduct: Trials shall be conducted as trials in justice courts and the rules of evidence shall be the same as in State courts and shall include applicable Statutes of the State of Oregon regarding the introduction or admission of evidence.
- B. Verdicts: All of the six (6) jurors sworn to try the cause must concur to render a verdict. (Ord. 540, 12-10-73)

1-6-2: MUNICIPAL JUDGE:

1-6-2-1: POWERS OF JUDGE: The Municipal Judge shall have all inherent and statutory powers and duties of a Justice of the Peace within the jurisdictional limits of the City. The Chief of Police shall assist the Judge in the serving of subpoenas, notice of jury duty, and such other orders of the court necessary for the proper conduct thereof. The Municipal Judge may hold any prospective juror who disregards the notice of jury duty in contempt of court.

1-6-2-2: COSTS AND DISBURSEMENTS: In all cases tried before a jury in the Municipal Court, the Municipal Judge shall add the costs and disbursements to the fine, penalty or sentence imposed, in a sum not less than fifteen dollars (\$15.00). (Ord 540, 12- 10-73; amd. 1981 Code)

1-6-2-3: REQUIREMENTS FOR JUDGE:

All persons appointed as Municipal Judge shall be active members of the Oregon State Bar.

1-6-2-4: JUDGES PRO TEMPORE:

A. Appointment: The Municipal Judge of the City is authorized and empowered to appoint Municipal Judges Pro Tempore, to serve in the absence of the Municipal Judge subject to approval of the City Council. All such appointments shall be in writing and shall specify the date, dates and duration of such appointment. (Amended by Ord. 7, Series 1990)

B. Requirements: All persons appointed as Municipal Judge Pro Tempore shall be active members of the Oregon State Bar. (Ord. 593, 10-24-77)

1-6-3: MUNICIPAL COURT: TIME AND PLACE: Municipal Court shall be conducted at the Florence Justice Center, 900 Greenwood Street, effective April 22, 1997, on Tuesday of each week at a time designated by the Municipal Judge, except on legal holidays, on the first Tuesday of any month except December having five Tuesdays, and the last Tuesday in December. When necessary for the orderly business of Municipal Court, the Municipal Judge, with the approval of the City Manager, may schedule the Court to convene on other days and times and may cancel a court sitting and reschedule the court docket. (Ord. No. 1, Series 1988 effective 1-12-88)(Amended by Ord No. 7, Series 1990)(Amended by Ord 9, Series 1997).

1-6-4: COURT OF RECORD: The Florence Municipal Court is hereby declared to be a court of record, effective November 1, 2010. A prosecution commenced in the Florence Municipal Court before that date shall be deemed a prosecution in a court not of record notwithstanding that part of the prosecution may occur in the Florence Municipal Court after the effective date of this declaration. (Amended Ord. 15, Series 2010)

Right of Trial by Jury repealed by Ord 6, Series 1991,
4-1-91 and sections renumbered.
Amended by Ordinance 9, Series 1997
Amended by Ordinance 15, Series 2010 effective Oct. 7, 2010
Amended by Ordinance 1, Series 2013 effective March 22, 2013