

ORDINANCE NO. 439

AN ORDINANCE PROVIDING FOR THE OPERATION AND REGULATION  
OF THE JURY TRIALS IN THE MUNICIPAL COURT.

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

SECTION 1. A trial jury in the municipal court of the City of Stayton, Oregon, shall consist of six persons, sworn to try and determine a question or questions of fact.

SECTION 2. In all prosecutions for any violation, crime or offense defined and made punishable by the charter or by any ordinance, resolution or order of the City of Stayton, Oregon, and tried before the Municipal Judge of said City, the defendant shall be entitled to be tried by a jury, if he shall demand a jury.

SECTION 3. In order to act as a juror in the municipal court of the City of Stayton, Oregon, a person must have the qualifications prescribed in chapter 10 of Oregon Revised Statutes, and in addition thereto, must be an inhabitant and a registered voter within the said City of Stayton, at the time he is summoned.

SECTION 4. The City Recorder shall, at least once a year, make a list containing the names of not less than 50 nor more than 250 persons, by selecting names by lot from the voter registration list used at the last preceding general city election. Said list, so selected, shall be known as a preliminary jury list. The Recorder shall then delete from said preliminary jury list the names of those persons known not to be qualified by law to serve as jurors and the remaining names shall constitute the jury list. The names of those persons deleted from the preliminary jury list shall be placed on a separate list known as rejected prospective jurors, and opposite each name, the reason for removing the name shall be stated. The jury list shall be placed on public record in his office within 10 days from the time it is prepared.

SECTION 5. The Recorder shall keep a jury box containing the names of each person embraced in the list, and folded as nearly alike as practicable so that the name cannot be seen.

SECTION 6. When a jury is timely demanded, the Municipal Judge shall draw from the jury box at least 12 ballots, until the names of 12 persons who are deemed able to attend at the time and place required, are obtained. The Municipal Judge shall have a list of the 12 names thus drawn made up, and these persons shall be summoned by mail or personal service, to appear at the time of trial.

SECTION 7. If a person duly summoned to attend the Municipal Court as a juror fails to attend as required or to give a valid excuse therefor, he may be fined by the Municipal Judge in a sum not to exceed \$25.00.

SECTION 8. The manner and procedures of swearing in the jury, of questioning them, and of challenges shall be as used by the Marion County District Court.

SECTION 9. Jurors who appear at the trial and serve as jurors shall receive such compensation therefor as is provided by State Statute.

SECTION 10. No mayor, councilmen or city employee shall be allowed to serve as a juror during his term of office or employment.

SECTION 11. The Municipal Judge shall have the power to adopt reasonable court rules relating to the operation of the Court System, which shall be binding on the parties.

SECTION 12. If, because of failure of jurors to attend or because of challenges, fewer than 6 jurors are present and qualified to serve, the Municipal Judge may, with consent of the parties, allow the trial to proceed with the jurors present and qualified, or the Judge may have any qualified person brought before the Court to serve as juror.


SECTION 13. The Municipal Judge shall have the power to assess reasonable court costs against any person found guilty in a criminal or civil penalty case or against the losing party in any civil case. Such costs shall not exceed \$5.00 plus any actual sum expended by the city for juror, witness, or mileage fees.

SECTION 14. Ordinance 302, entitled " AN ORDINANCE PROVIDING FOR JURY LISTS AND JURIES IN THE MUNICIPAL COURT OF THE TOWN OF STAYTON, OREGON: PROVIDING FOR THE NUMBER AND QUALITICATIONS OF JURORS IN SAID MUNICIPAL COURT; PROVIDING FOR THE SELECTION OF A JURY FROM SAID JURY LIST AND DECLARING AN EMERGENCY," and enacted on January 25, 1960, is hereby repealed.

SECTION 15. The council finding that an emergency exists and the adoption of this ordinance is necessary for the immediate preservation of the public peace, this ordinance shall be in full force and affect from and after its date of passage.

Passed by the Council this 8th day of April, 1974.

Approved by the Mayor this 8th day of April, 1974.

  
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Mayor

ATTEST:

  
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City Recorder