

ORDINANCE NO. 51

AN ORDINANCE OF THE CITY OF GARIBALDI, OREGON, PROVIDING
PROCEDURE FOR JURY TRIALS IN MUNICIPAL COURTS.

THE CITY OF GARIBALDI DOES ORDAIN AS FOLLOWS:

Section 1. Right to Trial by Jury and Deposit for Jury Fee. Every person charged with any offense defined and made punishable by the city charter or any ordinance of the city of Garibaldi, shall have the right to trial by jury upon giving notice to the municipal judge, in writing, together with the deposit of thirty dollars (\$30.00) jury fee at least six (6) days, excluding Sundays and legal holidays, prior to the trial date set by the municipal court.

Section 2. Number of Jurors. The jury shall consist of six (6) persons sworn to try the cause for which they are called; and the jurors shall be selected as hereinafter provided.

Section 3. Term of Court. The terms of municipal court shall be for a period of four (4) months, beginning on January 1, May 1, and September 1 of each year following passage of this ordinance.

Section 4. Jury List. Upon passage of this ordinance, and on January 1 thereafter, beginning on January 1, 1961, the recorder shall prepare a preliminary jury list, by lot, of fifty (50) names of persons taken from the latest tax roll and registration books used at the last city election. The recorder in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030 and not entitled to exemption as provided in ORS 10.040, PROVIDED HOWEVER, if it appears to the recorder that a person whose name is drawn is dead or resides outside of the City of Garibaldi, the ballot must be destroyed.

Section 5. Jury Panels. The jury panel for each term shall be selected on the first day of each term of court, and the recorder shall select twenty (20) names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calander year. A jury panel shall be selected upon passage of this ordinance and thereafter on the first day of each term of court. The jury panel shall be selected by the recorder in the presence of the Mayor of the City of Garibaldi and the Chairman of the Committee on Police Protection or the City Police Commissioner. No challenge shall be made or allowed to the panel and substantial compliance with this ordianance for selecting the panel shall be sufficient.

Section 6. Selection of the Trial Jury. At least three (3) days, excluding Sunday and legal holidays, prior to the trial date, the defendant or his attorney and the city attorney shall appear before the municipal judge for the selection of the jury. The time and place of said selection shall be as designated by the court, and the judge thereof shall notify the defendant or his attorney and the city attorney of said time and place. The judge shall then select, by lot, six (6) names of persons from the jury panel. The defendant or his attorney may then challenge by peremptory four (4) of the prospective jurors and the city may challenge by peremptory two (2) prospective jurors. The order of challenges shall be that the defendant or his attorney may challenge two (2) and then the city attorney may challenge one (1) and then the defendant or his attorney may again challenge two (2) and the the city attorney may challenge one (1). Additional names shall be selected, by lot, to replace those jurors challenged. When six (6) jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.

Section 7. Appearance of Jurors. If a person duly summoned to attend the municipal court as a juror fails to attend as required or fails to give a valid excuse therefor, he may be fined by the municipal judge of the sum of not to exceed ten dollars (\$10.00).

Section 8. Conduct of Trials. 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.

Section 9. Verdicts. Five (5) of the six (6) jurors sworn to try the cause must concur to render a verdict.

Section 10. Refund of Jury Fee. If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

Section 11. Payment of Jurors. Those jurors notified and who appear at trial shall receive compensation from the city of Garibaldi in the amount of five dollars (\$5.00) for each day of attendance or portion of day of attendance upon the municipal court.

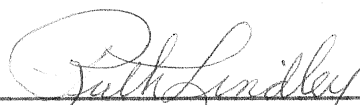
Section 12. Powers of the Municipal Judge. The municipal judge shall have all inherent and statutory powers and duties of a justice of the peace within the jurisdictional limits of the city of Garibaldi. The chief of police shall assist the judge in the serving of subpoenas, notices of jury duty, and 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 and may punish said juror by a fine of not more than \$100.00 or by imprisonment in the city jail for not more than fifty (50) days, or both.


Section 13. 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 five dollars (\$5.00).

Section 14. Emergency. An emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council and approval thereof by the mayor.

PASSED BY THE COMMON COUNCIL OF THE CITY OF GARIBALDI, THIS ^{14th} DAY ~~(11th)~~ OF DECEMBER, 1959, AND APPROVED BY THE MAYOR THIS ^{14th} DAY OF DECEMBER, 1959. ~~(11th)~~



Mayor (Ruth Lindley)

ATTEST:


City Recorder (Arthur L. Phares)