

Sec 1 & 10 amended by 522

Sec 11 amended by 561

ORDINANCE NO. 401

AN ORDINANCE RELATING TO JURIES IN THE MUNICIPAL COURT OF THE CITY OF WILLAMINA, OREGON; REPEALING ORDINANCE NO. 290; AND DECLARING AN EMERGENCY.

The city of Willamina, Oregon, ordains as follows:

Section 1. Right to Trial by Jury and Deposit of Jury Fee. Every person charged with an offense defined and made punishable by the city charter or ordinances of the city of Willamina, Oregon, shall have the right to trial by a jury of six persons if:

Amended by 522

- (1) Written notice is given to the municipal judge;
- (2) Together with a deposit of \$30.00 jury fee (unless the defendant is indigent or is charged with an offense which is identical to a statutory offense which could have been charged and for which no fee payment is required by statute);
- (3) At least five days, excluding Sundays and legal holidays, prior to the date set for trial.

we jury fee deleted by statute per K Bra 1-6-81 City Attorney

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

Section 3. Jury List. Immediately after the effective date of this ordinance and on the second Thursday in January of each year, commencing with the year 1974, a jury list shall be made from the persons in the city of Willamina, competent under the laws of Oregon to serve as jurors in the circuit court, who shall serve as jurors in the municipal court until a new list is selected. The jury list shall be made and selected by lot in the same manner in which juries are selected for the circuit court, and such list shall contain the names of not less than 35 of such qualified persons. The municipal judge is hereby authorized to select and make said jury list. If the municipal judge so desires, he may call to his aid two freeholders of the city, qualified to serve as jurors therein, and such freeholders together with the judge may make such list. If for any reason the making of a city jury list is omitted and neglected on the second Thursday in January of any year, it may be done on the first Monday of any month following, to serve until the close of the year.

Section 4. Jury Box. The municipal judge or, under his direction, his clerk, shall keep a secured jury box. After the jury list has been made, the municipal judge shall prepare and deposit in such box separate ballots or slips containing the name, place of residence and occupation of each person on the jury list.

Section 5. Drawing Jury. When a jury is demanded in the municipal court, the jury shall be drawn and selected from the jury list. The municipal judge or, under his direction, his clerk, shall draw from the jury box, in the presence of the defendant or his attorney and in the presence of the city attorney, 12 ballots, or any greater number if necessary, until the names of 12 persons who are deemed able to attend at the time and place required are obtained. On motion of the defendant or his attorney, or on motion of the city attorney, or the court on its own motion may direct that six additional names be drawn from the box from which alternates may be selected.

Section 6. Selecting Jury. When the drawing is completed, from the 12 names drawn the defendant and the city attorney will select the jury by each striking from the list three names, alternately, commencing with the defendant. The six names remaining shall be summoned as jurors in the case. In case either party does not exercise all his peremptory challenges, the jury may be summoned from among the names remaining. When six names are drawn from the jury box as alternates, each party shall strike one of such names. No peremptory challenges shall be allowed other than in this section provided. No alternate juror shall be summoned to serve at the trial of the action except when six principals are not available.

Section 7. 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 8. Verdicts. All of the six jurors sworn to try the cause must concur to render a verdict.

Section 9. Refund of Jury Fees. If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

Section 10. Payment of Jurors. Those jurors notified and who appear at the trial shall receive compensation from the City of Willamina in the amount of \$5.00 for each day of attendance upon the municipal court.

*Amended
by 562*

Section 11. Service of Notice. (Amended by Ordinance 561, Section 2, to read:) When a jury is drawn, summons therefore shall be issued by the municipal judge and served upon the jurors selected by the chief of police, marshal or other officer of the city; any person notified to appear as a juror and disregarding such notice may be adjudged in contempt of court by the municipal judge and be fined a sum not exceeding \$300.00.

*Amended
by 561*

Section 12. Repeal. Ordinance No. 290, passed by the council and approved by the mayor on June 13, 1961, is repealed.

Section 13. Emergency. Inasmuch as ORS 221.349 provides that in all prosecutions for any crime or offense defined and made punishable by the city charter or ordinance the defendant shall have the right to trial by jury, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage by the council and approval by the mayor.

Passed by the council and approved by the mayor August 29, 1974.