

ORDINANCE NO. 99-542-O

AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY; PROVIDING THE METHOD OF SELECTING JURORS; PROVIDING FOR A JURY FEE; AND REPEALING ORDINANCE NO. 205.

The City of Columbia City ordains as follows:

Section 1. Right of Trial by Jury. Any person accused of any offense defined and made punishable by imprisonment by the charter or any ordinance of this city shall have the right of trial by jury in the municipal court. The jury shall consist of six persons, selected as in this ordinance provided. [Amended by Ordinance No. 04-591-O 2/5/04.]

Section 2. Jury List. Immediately upon the effective date of this ordinance and on the first Monday of January of each year, commencing in the year 1999, a jury list shall be made from the persons in the City of Columbia City competent under the laws of Oregon to serve as jurors in a 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 50 of such qualified person.

Section 3. Making of List. If for any reason the making of a jury list is omitted and neglected on the first Monday of any January, it may be done on the first Monday of any month following, to serve until the close of the year and until another list is made.

Section 4. City Recorder Responsibility. The city recorder is hereby authorized to select and make said jury list. If the city recorder so desires, the city recorder may call to his/her aid two citizens of the city qualified to serve as jurors therein, and such citizens, together with the city recorder, may make such list.

Section 5. Discarding of Names. In preparing the jury list, names drawn of persons known or believed to be disqualified as jurors, or who are exempt from jury duty under the provisions of the laws of Oregon, or who are believed to be unavailable, shall be discarded.

Section 6. Contents of List. The jury list shall contain the first and surname, the place of residence and occupation of each person named therein and shall be certified by the city recorder at the time the list is prepared.

Section 7. Jury Box. The city recorder or, under his/her direction, his/her clerk shall keep a secured jury box. After the jury list has been made, the city recorder 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 8. Jury Selection. When a jury is demanded in the municipal court, the jury shall be drawn and selected from the jury list.

Section 9. Drawing of Names. When a jury is selected, the municipal judge or, under his/her direction, his/her 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 the defendant's 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 10. Ineligible Ballots. When it appears to the municipal judge that the person whose name is drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or the municipal judge has good reason to believe that a person whose name is drawn is temporarily absent from the city or is ill, or is so engaged as to be unable to attend at the time of the trial without great inconvenience, the ballot shall be laid aside and the name not placed on the jury list for the trial for which the jury is being selected; but such ballot shall be returned to the jury box after the drawing is completed.

Section 11. Peremptory Challenges. When the drawing is completed, from the 12 names drawn the defendant and the city 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.

Section 12. Notice of Trial; Jury Fee. Every person charged with any offense defined and made punishable by the city charter or ordinances of the city of Columbia City, Oregon, shall have the right to trial by jury if:

- (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); and
- (3) At least seven days, excluding Sundays and legal holidays, prior to the date set for trial.

Section 13. Verdicts. All jury verdicts must be by unanimous vote.

Section 14. Dismissal; Jury Fee Refund. In the event the case is dismissed, the jury fee deposit shall be returned to the defendant.

Section 15. Juror Compensation. Jurors who appear at the trial and serve as jurors shall receive as compensation for such services the sum of \$10.00 for each day of attendance upon the municipal court.

Section 16. Summons; Notice to Jurors. When a jury is drawn, summons therefor shall be issued by the municipal judge and the notices to the jurors shall be served by the chief of police. 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 \$50.00.

[Section 17. Severability.]

[Section 18. Repeal.]

Passed by the council October 7, 1999 and approved by the mayor October 8, 1999.