

## Chapter 2.01 MUNICIPAL COURT

### Sections:

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**2.01.010 - Purpose.** The City is authorized pursuant to its home rule Municipal Charter to establish and operate a municipal court for the prosecution of violations of City ordinances, permit requirements, the City's Municipal Code and any other prohibition or requirement adopted or imposed by the City. This chapter provides specific authorization for the municipal court and officers, establishes the jurisdiction of the municipal court and establishes certain operational requirements of the municipal court.

**2.01.020 - Municipal Judge.** The Office of Municipal Judge of the City of Mosier, shall be held by one incumbent who shall be appointed solely on the basis of qualifications and experience without regard to political considerations. Appointment and removal of the Municipal Judge by the Mayor shall require the prior consent of a majority of the full Council recorded at a public meeting. Cause shall not be required for removal of the Municipal Judge. The compensation of the Municipal Judge shall be fixed by resolution of the City Council.

**2.01.030 - Pro Tempore Municipal Judge.** The office of Pro Tempore Municipal Judge of the Municipal Court for the City is created. One or more pro tempore municipal judges may be incumbent at any given time. The holder(s) of the office shall be subject to appointment and removal in like manner as herein provided with respect to the Municipal Judge. A protempore municipal judge shall act only when the Municipal Judge is unable to perform his duties by reason of absence from the City, illness, vacation, disqualification as provided by ORS 221.353, or as specifically determined by the Clerk of Court, and in such circumstances the court personnel will assign one of the pro tempore judges to serve in lieu of the Municipal Judge. The Pro Tempore Municipal Judge shall have the same powers and be compensated in the same manner as the Municipal Judge.

**2.01.040 - Qualification of Judges.** The incumbent in the office of Municipal Judge and each of the offices of Pro Tempore Municipal Judge shall be a person in good standing to practice law before the Supreme Court of the State of Oregon.

**2.01.050 - Powers of Municipal Judge.** The Municipal Judge when acting as such, shall perform all the duties and have all the inherent and statutory powers of a justice of the peace within the jurisdictional limits of the office of Municipal Judge, and such additional powers as may be specifically conferred by the Mosier Municipal Code, including the power to issue search warrants and warrants to enter property and abate civil infractions. The Municipal Judge shall also have the authority to promulgate, adopt and amend from time to time rules of court.

**2.01.060 - Jurisdiction of the Municipal Court.** The Municipal Court shall have jurisdiction over all civil infractions and non-criminal citations alleged to have occurred within the corporate limits of the City of Mosier in violation of the Mosier City Code, any ordinance or regulation adopted, either in whole or by reference, by the Mosier City Council.

**2.01.070 - Time for Holding Court.** The Municipal Judge shall establish by order a regular time and regular place for holding court sessions. In addition, Municipal Court may be held at such other times as the Judge deems reasonable and necessary for the protection of the rights of people accused of violation of Mosier City Code, ordinances or regulations.

**2.01.080 - Warrants.** A warrant may be issued if the Municipal Judge is satisfied that there are facts and circumstances tending to show that the objects of the requested search are in the places identified in the request, or, in the case of a warrant to enter property and abate a civil infraction, that the infraction exists. Request for warrants should normally be supported by affidavits, however, when circumstances make it impractical for the warrant to be obtained in person it may be granted by telephone based on oral statements made under oath. The oral statement shall be recorded and transmitted and retained as a part of the proceeding.