

ORDINANCE NO. 51-O-008

AN ORDINANCE CREATING A MUNICIPAL COURT, CREATING THE OFFICE OF MUNICIPAL JUDGE, PRESCRIBING THE JURISDICTION OF SAID COURT AND JUDGE, PROVIDING FOR THE MAKING OF RULES OF SAID COURT, PROVIDING FOR PROCEDURE OF SAID COURT, AND DECLARING AN EMERGENCY. [Effective October 23, 1951]

Sections:

Section 1.	Creation of municipal court.
Section 2.	Creation of office of municipal judge.
Section 3.	Judicial officer of the city.
Section 4.	Territorial jurisdiction.
Section 5.	Crime and offense jurisdiction.
Section 6.	Authority of municipal court judge.
Section 7.	Creation of office of municipal judge pro tem.
Section 8.	Applicability of Oregon laws.
Section 9.	[Repealed]
Section 10.	Municipal court rules.
Section 11.	Municipal court schedule.
Section 12.	[Emergency clause]

The city of Brookings ordains as follows:

Section 1. Creation of municipal court. There is hereby created a court for the city of Brookings to be known as "The Municipal Court for the City of Brookings."

Section 2. Creation of office of municipal judge. There is hereby created the office of municipal judge.

Section 3. Judicial officer of the city. The municipal judge shall be the judicial officer of the city of Brookings and shall preside over the municipal court of the city of Brookings.

Section 4. Territorial jurisdiction. All of the incorporated area, now or hereafter, within the city of Brookings shall be within the territorial jurisdiction of the municipal court and the municipal judge.

Section 5. Crime and offense jurisdiction. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinance of the city of Brookings and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city of Brookings.

Section 6. **Authority of municipal court judge.** The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city of Brookings, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry in effect the judgments of the court, and to punish witnesses for contempt of court.

Section 7. **Creation of office of municipal judge pro tem.** The office of municipal judge pro tem is hereby created. The municipal judge pro tem shall be appointed in the same manner as the municipal judge. The municipal judge pro tem shall serve as municipal judge pro tem when the municipal court judge is absent from the city, incapacitated, or otherwise unable to discharge the duties of municipal judge. When occupying the office of municipal judge, the municipal judge pro tem shall have all the powers and authority of the municipal judge. [Section 7 added by Ordinance No. 64-O-175, adopted February 11, 1964.]

Section 8. **Applicability of Oregon laws.** When not governed by ordinance or by charter of the city of Brookings, all proceedings in the municipal court for the city of Brookings for the violation of a city ordinance shall be governed by the applicable general laws of the state of Oregon governing justices of the peace and justice courts.

Section 9. [Section 9 repealed by Ordinance No. 67-O-195 adopted December 12, 1967.]

Section 10. **Municipal court rules.** The municipal judge shall have authority to form and adopt such reasonable rules for the conduct of the business of the municipal court for the city of Brookings; provided, however, that he/she shall not form or adopt any rule which is in contravention with the constitution of the United States, the constitution of the state of Oregon, the laws of the state of Oregon or any ordinance of the city of Brookings.

Section 11. Municipal court schedule. The Municipal Court shall be in session only for such length of time as may be necessary to complete the judicial business of the City of Brookings. [Section 11 as amended by Ordinance No. 97-O-525, effective May 9, 1997]

Section 12. **[Emergency clause]**

[EFFECTIVE OCTOBER 23, 1951]