

ORDINANCE BILL NO. 11 FOR 1994
ORDINANCE NO. 1077

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 9.36 PERTAINING TO COURT HEARINGS FOR INFRACTIONS AND DECLARING AN EMERGENCY

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 9.36 is hereby amended by adding Section 9.36.095 to read as follows:

9.36.095 Hearing Discretionary.

1) In any infraction case the court may direct that a hearing be held but if a person does not appear as his summons directs and the court does not order that a hearing be held a hearing is not required. The court then can make a finding on the complaint and any other evidence the judge determines appropriate. Upon completion of its determination, the court may enter the appropriate judgment and if the determination is one of conviction, may impose a judgment by sentence of a fine and may order any other relief that this chapter may prescribe.

2) If the court sentences a person to pay a fine under this section the court is not precluded from:

(a) Taking any other action against the person as permitted by law for the person's failure to comply, including, but not limited to, sentencing the person further as permitted by law after the person is brought to hearing.

(b) Following any procedures established by law when the person fails to appear.

3) If a judgment is entered under this section after a person has failed to appear on motion and upon such terms as are just, the court may relieve a person from the judgment upon a showing that the failure of the cited person to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must be made within a reasonable time and in no event more than one year after the person receives notice of the judgment.


4) No judgment may be entered under this section by reason of a person failing to appear unless the summons issued to the person contained a statement notifying the cited person that a monetary judgment may be entered against the person up to the maximum ordinance limit for the infraction if the cited person fails to appear at the time, date and court specified in the summons.

5) If a person does not appear as his summons directs and the court orders that a hearing be held and the person does not appear for the hearing or the person appears for the summons but then does not appear for the hearing the court may follow the above procedures and impose a

judgment as set out above.

Section 2. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 13th day of September, 1994.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder