

(1) Provide for an annual plan for public art based upon the CIP.

(2) Provide for the appointment of representatives to selection committees.

(3) Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art.

(4) Determine the dedication and disbursement process for the Public Art Trust Fund.

(5) Clarify the responsibility for maintenance of public art, including any extraordinary operations or maintenance costs associated with public art, prior to selection.

(6) Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.

(7) Provide a process to de-accession art.

(8) Set forth any other matter appropriate to the administration of this Chapter.

[Added by Ordinance No. 1543 adopted January 22, 2007.]

2.235 Ownership.

All public art acquired pursuant to this Chapter shall be acquired in the name of the City of West Linn, and title shall vest in the City of West Linn. [Added by Ordinance No. 1543 adopted January 22, 2007.]

ELECTIONS

2.300 Authorization to Submit Explanatory Statements Relating to Municipal Legislation Referred or Initiated by Petition.

When directed by the West Linn City Council, the City Manager is authorized to prepare explanatory statement(s) for the Clackamas County Voters' Pamphlet for matters relating to municipal legislation referred or initiated by petition. [Added by Ordinance No. 1552 adopted September 24, 2007.]

TRIAL BY JURY

2.600 Right to Trial by Jury. Every person charged with any offense defined and made punishable by the city charter, or any ordinance of the city, shall have the right to trial by jury upon giving written notice to the municipal judge within six days after entry of his plea. The municipal judge may, at his discretion, accept a request for a trial by jury at any time before the time set for trial.

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

2.610 Term of Court. The terms of municipal court shall be for a period of one year, beginning on January first of each year following the passage of the ordinance codified in sections 2.600 to 2.650.

2.615 Jury List.

(1) Upon the passage of the ordinance codified in sections 2.600 to 2.650 and commencing on January 2, 1974, the city manager shall prepare a preliminary jury list, by lot, of not less than one hundred fifty nor more than five hundred names of persons selected from the latest tax role and registration books used in the last city election. The manager, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications described in ORS 10.030 and not entitled to exemption as provided by ORS 10.040.

(2) If for any reason the making of a jury is omitted and neglected on the second day of 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.

2.620 Jury Panels.

The jury panel for each term shall be selected on the first day of each term of court and the city manager shall select one hundred names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any three-year period. A jury panel shall be selected on January 2, 1974, upon the passage of the ordinance codified in sections 2.600 to 2.650 and thereafter on January 2nd of each and every year; provided, however, that if the preliminary jury list is not selected on the second day of January of any year, the jury panel may be selected on the first Monday of any following month. The jury panel shall be selected by the city manager in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with the ordinance codified in sections 2.600 to 2.650 for selecting the panel shall be sufficient.

2.625 Selection of Trial Jury.

At least ten days, excluding Sundays and legal holidays, prior to the trial date, the defendant or his attorney and the city attorney shall appear before the municipal judge for the selection of the trial jury. The time and place of said selection shall be designated by the court and the judge thereof shall notify the defendant or his attorney and the city attorney of said time and place. The judge shall then select, by lot, six names of persons from the jury panel. When it appears to the municipal judge that any of the persons whose names are drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he 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 trial without great inconvenience, the ballot shall be laid aside, 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 of the trial jury is completed. The defendant or his attorney may then challenge by peremptory challenge three of the prospective jurors. The order of challenge shall be that the defendant, or his attorney may challenge one then the city attorney may challenge one, and so alternating until the peremptory challenges are exhausted. Additional names shall be selected, by lot, to replace those jurors challenged. When six jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.

2.630 Alternate Jurors.

The defendant or his attorney and the city attorney may agree by stipulation to the drawing of additional names from the jury panel to serve as alternate trial jurors to be summoned should summons not be served upon any of those persons selected as a part of the trial jury pursuant to section 2.625.

2.635 Conduct of Trials.

Trials shall be conducted as trials in justice court and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the state regarding the introduction or admission of evidence.

2.640 Verdict.

Six of the six jurors sworn to try the cause must concur to render a verdict.

2.645 Payment of Jurors.

Those jurors notified and who appear at trial shall receive compensation from the city in the amount of \$5.00 for each day of attendance upon the municipal court.

2.650 Powers of the Municipal Judge.

The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The chief of police shall assist the judge in the serving of subpoenas,

notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror as set forth in Chapter 1.08 of this code.

EMERGENCY PLANNING

2.700 Title.

Sections 2.700 to 2.750 shall be known as the “emergency planning provisions” and may be so cited and pleaded and is referred to herein.

2.710 Conditions of Emergency.

The conditions required for the declaration of a state of emergency within the City of West Linn are as follows:

(1) “Emergency” includes any man-made or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

2.720 Declaration of Emergency.

A declaration of a state of emergency within the City of West Linn may be issued by the Mayor (or the Council President when the Mayor is absent or otherwise unable to perform the functions of Mayor as provided in the City Charter); or the City Manager or designee if the nature of the emergency requires that immediate action be taken and it is not reasonably practicable for the Mayor to issue the declaration of emergency prior to the time immediate action must be taken. Any declaration of

emergency by the City Manager or designee shall be subject to review and revision by the Mayor. All declarations of emergency shall be subject to review and revision by the City Council. A state of emergency shall be terminated by the City Council when the emergency situation ceases to exist.

2.730 Adoption of Emergency Operations Plan.

The City Council may by resolution establish an Emergency Operations Plan with procedures to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency. The Emergency Operations Plan may authorize City officials and employees to take action as needed to deal with the emergency, including but not limited to:

- (1) redirect City funds for emergency use and suspend standard City procurement procedures;
- (2) establish a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
- (3) prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;
- (4) barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;
- (5) evacuate persons;
- (6) prohibit the sale of alcoholic beverages;
- (7) prohibit or restrict the sale of gasoline or other flammable liquids;
- (8) prohibit the sale, carrying, or