

**ORDINANCE NO. 862****AN ORDINANCE OF THE CITY OF MADRAS, JEFFERSON COUNTY, OREGON, AMENDING ORDINANCES, RESOLUTIONS, AND MADRAS MUNICIPAL CODE THAT CONTAIN REFERENCES TO MUNICIPAL COURT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras (the "City") Municipal Court was established to render judgments, order arrests, compel obedience to subpoenas, compel witnesses to appear and testify, penalize contempt of court, issue search warrants, and perform other judicial and quasi-judicial functions prescribed by the City's charter and ordinances; and

**WHEREAS**, the Municipal Court remained active until sometime in the year 2000, when the City made a determination that it was no longer cost effective or feasible for the City to continue operating a municipal court; and

**WHEREAS**, the Municipal Court was inactivated at that time, but the City continued to employ a municipal court judge to oversee activity on uncollected citations; and

**WHEREAS**, the City has caused most municipal court matters to be transferred to the Jefferson County Circuit Court; and

**WHEREAS**, it has recently been brought to the City's attention that some of the City's current ordinances, resolutions, and Madras Municipal Code contain references to "municipal court," which references may cause confusion or ambiguity when attempting to interpret and enforce such ordinances.

**NOW, THEREFORE**, the City of Madras ordains as follows:

**SECTION 1: AMENDMENT**

A. The above-stated findings are hereby adopted.

B. Unless the context clearly requires otherwise, and subject to and except as otherwise provided under applicable law, any reference to the City's municipal court contained in any City ordinances, resolutions, or Madras Municipal Code will be amended to read "Jefferson County Circuit Court."

**SECTION 2: SEVERABILITY; SAVINGS**

A. If any section, subsection, sentence, clause, and/or phrase of this Ordinance is for any reason held to be invalid or unenforceable in any respect, the validity or enforceability of the section, subsection, sentence, clause, and/or phrase in any other respect and of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance will not be impaired or affected.

B. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances, resolutions, and Madras Municipal Code existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

**SECTION 3: GRAMMATICAL INTERPRETATION**

For purposes of this Ordinance, unless it is apparent from the context that a different construction is intended, (a) each gender includes the masculine, feminine, and neuter genders, (b) the singular includes the plural and the plural includes the singular, (c) the word "or" is not exclusive and the words "include," "includes," and "including" are not limiting, and (d) words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

**SECTION 4: CORRECTIONS**

This Ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

**SECTION 5: EMERGENCY CLAUSE**

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the citizens of the City that an emergency be declared to exist and this ordinance will be in full force and effect immediately upon its passage by the council and signing by the mayor.

**PASSED** by the Council and Signed by the Mayor on January 13, 2015.