

ORDINANCE NO. 2235

AN ORDINANCE AMENDING BEND CODE SECTION 1.40.060 REGARDING THE AUTHORITY OF THE MUNICIPAL JUDGE

Findings

- A. Bend Code Chapters 1.35 and 1.40 give authority to the Municipal Court to try cases for violations of the Bend Code, but do not clearly give the Municipal Court the authority to require defendants to cure their infraction or pay restitution to persons who have been damaged by actions in violation of the Code.
- B. In some cases, particularly in cases involving dogs that attack persons or other animals, a person suffers physical or property damage as the result of the act that constitutes the violation.
- C. If restitution is not provided to those damaged by a violation of the Bend Code, full justice may not be accomplished. Filing a separate civil lawsuit can be costly and burdensome to the injured party.
- D. The Bend Code does not authorize the judge to require a defendant to perform community service, and community service may be a more appropriate sanction for certain infractions.
- E. It is in the public interest to provide express authority to the Municipal Court to award restitution, to require defendant to cure infractions and to require community service as an alternative to payment in appropriate cases.

NOW, THEREFORE,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Code Section 1.40.060A is amended to read as follows:

1.40.060 Decision – Appeal

A. The court shall determine whether the infraction alleged in the citation was committed and shall enter judgment accordingly, including the amount of any penalty imposed. **The court, in addition to imposing a penalty, may require the defendant to abate the infraction and may require the defendant to pay restitution to persons harmed by the infraction. The court may impose a community service requirement as an alternative to payment of all or part of the penalty.** A copy of the judgment shall be delivered to the respondent personally or by mail. The judgment may provide that payment be suspended if the violation is cured within a specified time.


Section 2. All other portions of the Bend Code, including all other portions of Section 1.40.060 remain in effect.

First Reading: March 4, 2015

Second Reading and Adoption by Roll Call Vote: March 18, 2015

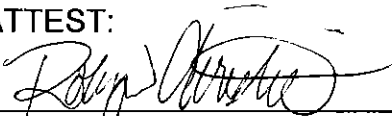
Yes: Jim Clinton, Mayor
Victor Chudowsky
Doug Knight
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

No: None



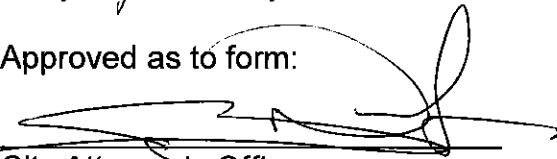
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office