

**IN THE MUNICIPAL COURT FOR THE CITY OF CRESWELL,  
LANE COUNTY, OREGON**

IN THE MATTER OF ESTABLISHING )  
A VIOLATIONS BUREAU AND ) COURT ORDER 2004-001  
AND BASE FINE SCHEDULE )

Pursuant to the provisions of ORS 153.800, and the Court finding that for the efficient disposition of court business and convenience of persons charged, a Violations Bureau should be established.

IT IS HEREBY ORDERED:

1

The City of Creswell Municipal Court Violations Bureau is established, and the Court designates the City of Creswell Finance Manager/City Recorder, and his or her designees, as Violations Bureau Clerks for all operational functions of the Bureau. The Finance Manager/City Recorder and designees shall serve under the direction and control of this Court as the appointing power.

2

The Violations Bureau Clerk may not dispose of citations issued for traffic crimes, or any charge not listed on the reduced base fine schedule (attached hereto as Exhibit A), or for any defendant who has more than three moving violation convictions, including guilty-by-default or forfeiture, within the jurisdiction of this Court, within twenty-four (24) months preceding the issuance of the current citation. In addition, the Violations Bureau Clerk may not dispose of citations if the person cited has been found guilty of or has signed a plea of Guilty or No Contest to one or more previous offenses in the preceding twelve (12) months within the jurisdiction of the court.

3

The Violations Bureau Clerk may also require any defendant to appear in person before a judge. Defendants must appear in person before a judge on all major traffic crimes.

4

Persons charged with infractions who qualify for disposition through the Violations Bureau, and who report in person for arraignment, are to be given the following options by the Violations Bureau Clerk:

A. Plead Not Guilty. The defendant must provide the Violations Bureau Clerk with a complete and current mailing address. If there has been a Failure to Appear on the defendant's driving record, the defendant will be required to post bail in the amount set forth on the citation, or post his/her Oregon operator's license. The defendant will be notified in writing of the date and time for trial; or

B. Request a Hearing Before a Judge. The defendant may request a hearing before a judge in order to have a judge accept a plea and set the fine or penalty. If a defendant requests a hearing before a judge, the date of appearance shall be the appearance date as set on the Uniform Citation; or

C. Base Fine Forfeiture. The defendant, upon signing a written waiver of trial and consideration of the defendant's driving record, shall pay the base fine amount as set by the Municipal Judge of the City of Creswell Municipal Court, plus any applicable administrative fees. Payment of the base fine under this paragraph constitutes consent to forfeiture of the base fine amount and disposition of the offense by the clerk as provided by the rules of the Court.

5

The Violations Bureau Clerk shall accept and the Court shall forfeit, upon a written waiver of trial, the reduced base fine amount as set forth in the reduced base fine schedule. A copy of the schedule shall be prominently displayed in the Violations Bureau, must bear the signature of the Court, and shall be updated as appropriate.

6

Citations for certain violations can be addressed in the Violations Bureau as follows:

A. For no liability insurance (ORS 806.010) and failing to carry or present a driver's license (ORS 807.570), the citation shall be dismissed if satisfactory evidence is provided to prove the validity of either the liability insurance or driver's license at the time the Uniform Citation was issued.

B. For disabled parking offenses, citations shall be dismissed if the defendant owned a valid Disabled Person Parking Permit at the time of issuance of the citation, and shows proof of such, unless said person has already had two Disabled Person Parking Permit violations in the past twelve (12) months. The first two requests shall be dismissed.

C. For defective light violations (ORS 816.050, 816.080, 816.090, 816.100, 816.120, 816.150, and 816.180) and for missing required equipment (ORS 815.130, 815, 185, 815.230, 815.100, 815235, 815330, 815, 215, and 815.250) citations shall be dismissed upon satisfactory evidence of replacement, repair, or addition and if the Violations Bureau Clerk inspects the vehicle and

determines that the lights are working or the missing required equipment is present.

7

The Violations Bureau Clerk may grant a continuance to the defendant to obtain evidence which is satisfactory to the Court. The continuance shall not be greater than fourteen (14) days.

8

All dispositions of violation citations under jurisdiction of the Violations Bureau shall be recorded on the reverse side of the Uniform Citation by the Violations Bureau Clerk. The disposition shall bear the signature of the Municipal Court Judge, Violations Bureau Clerk, or designees.

9

If defendant fails to appear on a traffic citation as defined by ORS 801.557 or fails to appear at any other subsequent time set for trial or other appearance, the Violations Bureau Clerk shall issue notice to the Motor Vehicles Division to suspend the defendant's driving privileges as provided for in ORS 809.220.

10

The Violations Bureau Clerk is authorized to disclose the fine schedule by telephone to any person making a specific inquiry with respect to the policy and procedures of the Violations Bureau.

The Violations Bureau Clerk may quote the Violation Bureau Fine Schedule over the telephone to defendants who request disposition of their cases in such a manner.

The Violations Clerk is directed to record all telephone quotations on the disposition sheet attached to the Complaint to properly document the conversation.

If a defendant receives a telephonic quotation and fails to mail in the "Appearance, and Waiver of Trial" and/or fails to pay the fine amount quoted during the telephone conversation, the infraction shall be deemed a failure to appear, and the procedures provided in Article 9 herein shall apply.

11

Nothing in this Order shall prevent a person from either having their matter disposed of by the Traffic Violations Bureau; or, from appearing before the Court to explain the facts and circumstances of the citation.

12

If defendant chooses to pay their fine on a scheduled payment plan, then the payment plan shall be either two or three equal payments. With good cause shown by the defendant, the Violations Bureau Clerk has the authority to approve a delay in the payment of a scheduled payment by up to 10 days.

13

This Court Order applies to all defendants cited within the jurisdiction of the City of Creswell Municipal Court for a traffic violation on or after June 1, 2004.

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The effective date for implementation of this Order is June 1, 2004.

IT IS SO ORDERED this \_\_\_\_ day of August, 2004.

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SCOTT PALMER, Municipal Court Judge