## IN THE MUNICIPAL COURT OF THE CITY OF TIGARD COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of	)	
	)	RULE 12
PROCEDURES FOR CIVIL INFRACTIONS	)	Supplemental Court Rule

IT IS HEREBY ORDERED that the following procedures apply to civil infractions cited to this Court:

- 1. CITATIONS: In cases where the City of Tigard ("City") elects to utilize the Uniform Traffic Citation ("UTC") pursuant to Section 1.16.220 (1) of the Tigard Municipal Code ("TMC"), no more than two individual parties and a related business may be named on one citation. All named parties must reside or do business at the address stated on the citation. Additional parties may be named on one or more separate citations.
- 2. FIRST APPEARANCE: If a respondent admits, or does not contest, the allegations in a UTC at a first appearance, the following procedures apply:
- a. Each respondent will be given the opportunity to present evidence of mitigating circumstances, including (but not limited to) the date and extent of compliance.
- b. The City may submit a memorandum to the court to be opened after a respondent admits or declines to contest all the allegations, containing matters in mitigation or aggravation of any penalty. A copy of the memorandum must be provided for each respondent. Such matters may include (but are not limited to):
- c. Compliance hearing: either party may request a compliance hearing if there is a dispute as to the extent of compliance.
  - i. Any request by the City for a compliance hearing must be made in writing.
  - ii. Any request by a respondent for a compliance hearing may be made orally or in writing at, or prior to, the first appearance.
- 3. DEFAULT JUDGMENTS: The following provisions apply when the City petitions the Court for a default judgment pursuant to TMC Section 1.16.230:
- a. Where a corporate respondent is named, no default may be entered until service on one or more of the following has been established by affidavit: an officer, a director or the registered agent of the corporation. In the alternative, the City may show that due notice was mailed to the last registered office of the corporation, if any, as shown by the records on file in the office of the Secretary of State.

- b. For all other respondents, no default judgment may be entered absent a showing of due diligence in attempting to locate the respondent at the respondent's current or most recent address. A "due diligence" search includes, but is not limited to, one or more of the following:
  - i. A business records search through the Oregon Secretary of State;
  - ii. County deed and property tax records;
  - iii. Telephone directories, including reverse directories;
  - iv. Internet searches:
  - v. Business tax records; or
  - vi. Any address the use of which the City knows or, on the basis of reasonable inquiry, has reason to believe is likely to result in actual notice. The affidavit must set forth the basis for that knowledge or belief.
- c. Any other form of service that complies with Rule 7 of the Oregon Rules of Civil Procedure (ORCP) will be deemed to conform to the requirements of the court and this rule.
- d. The court may set aside an order of default for good cause and may set aside a judgment in accordance with ORCP Rule 71 B and C.
- e. This rule does not limit the inherent power of the court to modify a judgment within a reasonable time or the power of the court to grant relief to a defendant under ORCP Rule 7 D(6)(f).
- 4. OREGON RULES OF CIVIL PROCEDURE: The Oregon Rules of Civil Procedure apply to any issues presented that are not addressed by these court rules.

DATED May 15, 2023

Emily Oberdorfer

Emily Oberdorfer Presiding Judge