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ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CREATING A MUNICIPAL COURT TO COMMENCE OPERATION ON January 1, 1994, DESCRIBING THE STATUTORILY AUTHORIZED JURISDICTION, DUTIES AND POWERS OF THE COURT; REQUIRING THE APPOINTMENT OF A MUNICIPAL JUDGE; AND DESCRIBING MANNER OF APPOINTMENT, JUDICIAL QUALIFICATIONS, TERM AND SALARY.

WHEREAS, the City of Woodinville is an optional municipal code city with a population of less than four hundred thousand, and

WHEREAS, chapter 3.50 of the Revised Code of Washington allows such cities to create and operate a municipal court, having the jurisdiction and powers set forth therein;

WHEREAS, the City considers the creation of a Woodinville Municipal Court to be in the best interests of the citizens of the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Creation. The Municipal Court of the City of Woodinville is hereby created, which shall have jurisdiction and exercise all powers vested in the Court by chapter 3.50 RCW as it now exists or may hereafter be amended, together with such other powers and jurisdiction as are generally conferred on such courts in Washington, either by common law or express statute. The Municipal Court shall commence operation January 1, 1994.

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Section 2. Jurisdiction. The Woodinville Municipal Court shall have exclusive original jurisdiction over traffic infractions arising under City ordinances, and exclusive original criminal jurisdiction of all violations of City ordinances. The Court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared by City ordinance or state statute. The Court is also empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such City ordinances, and to pronounce judgment in accordance therewith. Finally, the Court shall have the jurisdiction as conferred on it by statute.

Section 3. Violations Bureau.

- A. **Creation.** As previously established by Woodinville City Ordinance No. 20 a Traffic Violations Bureau has been created to operate under the supervision of the Municipal Court Judge, in order to assist the Court in processing traffic cases.
- B. **Processing.** City traffic offenses/infractions may be processed by the Bureau in conformity with chapter 46.63 RCW.
- C. **Posting of Bail.** The Violations Bureau may receive the posting of bail for specified offenses, and, to the extent authorized by court order, is permitted to accept forfeiture of bail and payment of penalties. Upon accepting the prescribed bail, the

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Bureau shall issue a receipt therefore to the alleged violator, shall acknowledge the posting thereof, and shall further inform the accused of the legal consequences of bail forfeiture.

- D. **Fines and Penalties.** Any person charged with any criminal traffic offense within the authority of the Violations Bureau as described in subsection (A) above, may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the Bureau the fine established for the offense charged and costs, and this shall have the same effect as a court conviction. All penalties and forfeitures paid to the Bureau for violations of municipal ordinances shall be deposited with the City Treasurer to be placed in the City's General Fund.

Section 4. Disposition of Municipal Court Revenue.

- A. Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by the Municipal Court for the violation of any City ordinances shall be collected by the Court Clerk, and, together with any revenues received by the Clerk, shall be deposited with the City Treasurer as a part of the General Fund of the City, or

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deposited in such other funds as may be designated by the laws of the State of Washington.

B. The City Treasurer shall monthly remit thirty-two percent (32%) of the money received under this section, other than parking infractions, and certain costs to the State Treasurer. "Certain costs," as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county or City in the prosecution of the case, including the fees of defense counsel.

C. The balance of the money received under this section shall be retained by the City and deposited in the general fund.

Section 5. Sessions. The Municipal Court shall be open and shall hold such regular and special sessions as may be prescribed by the City Council; PROVIDED, That the Municipal Court shall not be open on nonjudicial days.

Section 6. Municipal Court Seal. The Municipal Court shall have a seal which shall be the vignette of George Washington,

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with the words "Seal of The Municipal Court of Woodinville, State of Washington" surrounding the vignette.

Section 7. Pleadings, Practice and Procedure.

Pleadings, practice and procedure in cases not governed by chapter 3.50 RCW or other statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to district courts.

Section 8. Deferral and Suspension of Sentences. Unless otherwise provided by state law, the Municipal Court shall have the following sentencing authority:

- A. After a conviction, the Court may defer sentencing and place the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two (2) years from the date of conviction. During the time of the deferral, the Court may, for good cause shown, permit a defendant to withdraw the plea of guilty, permit the defendant to enter a plea of not guilty, and dismiss the charges.
- B. For a period not to exceed two (2) years after imposition of sentence, the Court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines.

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- C. Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the Court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the Court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.
- D. Any time before entering an order terminating probation, the Court may revoke or modify its order suspending the imposition or execution of the sentence. If the ends of justice will be served and when warranted by the reformation of the probationer, the Court may terminate the period of probation and discharge the person so held.

Section 9. Complaints. All criminal prosecutions for the violation of a City ordinance shall be conducted in the name of the City and may be upon the complaint of any person, subject to the procedures set forth in all applicable ordinances or statutes.

Section 10. Case Transfers. A transfer of a case from the Municipal Court to either another municipal judge of the same City or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in accordance with RCW 3.66.090 in all civil and criminal proceedings.

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Section 11. Civil Jury Trials. In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six (6) citizens of the State who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. In all criminal cases, jury trials shall be allowed unless waived by the defendant. A party requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the court. The fee shall be apportioned among the requesting parties. Each juror shall receive ten dollars (\$10.00) for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060.

Section 12. Criminal Process. All criminal process issued by the Municipal Court shall be in the name of the State of Washington and run throughout the State, and be directed to and served by the Chief of Police, Marshal, or other police officer of any city or to a Sheriff in the State.

Section 13. Municipal Court Judge.

A. **Appointment.** Within thirty days after the effective date of this ordinance, the City Manager of the City shall appoint a Municipal Court judge. Pursuant to RCW 35A.13.080, the City Manager's appointment of the Municipal Court judge shall be subject to confirmation by the City Council.

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- B. **Term.** The Municipal Court judge shall serve a term of four (4) years. The initial appointment of a judge under this ordinance, shall expire December 31, 1993. On or before December 1, 1993, the City Manager shall make an appointment of a judge for a term expiring December 31, 1997. Appointments for each term thereafter shall be made on or before December 1 of the year next preceding the year in which the judicial term commences.
- C. **Judicial Qualifications.** A person appointed as a full-time or part-time municipal judge shall be a citizen of the United States of America and of the State of Washington, and an attorney admitted to practice law before the courts of record of the State of Washington.
- D. **Additional Judges.** Additional full or part-time judges may be appointed as provided in this section, when the public interest and the administration of justice makes such additional judge or judges necessary.
- E. **Judges Pro Tem.** The City Manager may, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the City Municipal Court, or subsequent to the filing of an affidavit of prejudice. A pro tem judge's term of appointment shall also be specified in writing, but

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in any event shall not extend beyond the City Manager's termination of employment. The judges pro tem shall be qualified to hold the position of judge of the Municipal Court as described in this section. The pro tem judges shall receive such compensation as shall be fixed by the ordinances of the City.

- F. **Vacancy.** Any vacancy in the Municipal Court due to death, disability or resignation of a judge shall be filled by the City Manager, for the remainder of the unexpired term. The appointment shall be subject to the confirmation of the City Council. The appointed judge shall be qualified to hold the position of judge of the Municipal Court as provided in this section.
- G. **Removal.** A Municipal Court judge shall only be removed upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office.
- H. **Oath.** Every judge of the Municipal Court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the

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office of judge of the Municipal Court of the City of Woodinville, according to the best of my ability."

The oath shall be filed in the office of the King County Auditor.

I. **Bonds.** Every Municipal Court judge shall give such bonds to the state and City for the faithful performance of the judge's duties as may be required by law or City ordinance.

J. **Compensation.** Pursuant to RCW 3.50.080, the compensation for Municipal Court judges shall be set by the City Council by ordinance. The City shall enter into a contract with the appointed judge for professional services.

Section 14. Municipal Court Employees. All employees of the Municipal Court shall, for all purposes, be deemed employees of the City of Woodinville. They shall be appointed by and serve at the pleasure of the Court.

Section 15. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 16. Effective date. This ordinance shall be effective as of March 31, 1993, which is more than five (5) days

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after publication of an approved summary consisting of the title to this ordinance.

PASSED by the City Council of the City of Woodinville this 15th day of March, 1993.

APPROVED:

Lucy DeYoung
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

Marie O'Connell
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY George J. Jansen

FILED WITH THE CITY CLERK: 3/11/93
PASSED BY THE CITY COUNCIL: 3/15/93
PUBLISHED: 3/22/93
EFFECTIVE DATE: 3/31/93
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