

DEC 13 2000

SCANNED

ORDINANCE NO. 1692

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING A NEW CHAPTER 2.19 TO THE LYNNWOOD MUNICIPAL CODE, ENTITLED "MUNICIPAL COURT SYSTEM"; ESTABLISHING A MUNICIPAL COURT SYSTEM PURSUANT TO THE COURT IMPROVEMENT ACT OF 1984; PROVIDING FOR JURISDICTION OVER VIOLATIONS OF CITY ORDINANCES AND SUCH OTHER CASES AS MAY BE PRESCRIBED BY STATE LAW; AUTHORIZING THE APPOINTMENT AND REMOVAL OF A JUDGE AND JUDGES PRO TEM; PROVIDING FOR THE COURT'S AUTHORITY TO IMPOSE CERTAIN SENTENCES UPON INDIVIDUALS FOUND GUILTY; PROVIDING FOR COURT PLEADINGS, PRACTICE, PROCEDURE, A COURT SEAL AND COURT TRANSFERS; REPEALING ORDINANCE 12 AND CHAPTER 2.20 OF THE LYNNWOOD MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature has enacted The Court Improvement Act of 1984, RCW 3.50, effective July 1, 1984, authorizing cities with a population of four hundred thousand or less to establish a municipal court; and

WHEREAS, the Lynnwood City Council finds that the establishment of a municipal court is in the interests of the public health, safety and welfare, now, therefore,

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

SECTION 1: Municipal Court System. There is hereby added to the Lynnwood City Code a new Chapter 2.19 entitled "Municipal Court System" to read as follows:

2.19.010 Court Establishment. There is hereby established a municipal court entitled "The Municipal Court of the City of Lynnwood," hereinafter referred to as "municipal court".

2.19.020 Jurisdiction. The municipal court shall have jurisdiction and shall exercise all powers enumerated herein and in Chapter 3.50 of the Revised Code of Washington, existing now or hereafter amended, together with such other powers and jurisdiction as are generally conferred upon such court in this State either by common law or by express statute. The 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 duly adopted by the City of Lynnwood. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by

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such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by state statute. The municipal court is 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 ordinances and to pronounce judgment in accordance therewith. The jurisdiction of the municipal court does not and shall not be construed to limit the authority or power of the Hearing Examiner to act pursuant to Chapter 2.22 of the Lynnwood Municipal Code, as now existing as hereafter amended.

2.19.030 Judges - Appointment - Qualifications.

- A. The municipal judge shall be appointed by the Mayor within 30 days after the effective date of Section 2.19.010 (Court Establishment). The judge shall be appointed for a term of four (4) years, PROVIDED the term of any judge appointed prior to January 1, 1990 shall expire on January 1, 1990. The term thereafter shall commence on January 1, 1990 and on January 1st of each fourth year thereafter. Appointments for each term thereafter shall be made on or before December 1 of the year next preceding the year in which the term commences.
- B. A person appointed as municipal judge shall be a citizen of the United States of America and of the State of Washington; and an attorney in good standing admitted to practice law before the courts of record of the State of Washington.

2.19.040 Salaries and Costs. The salary of the municipal court judge shall be fixed by ordinance. All costs of operating the municipal court; including but not limited to salaries of judges and court employees, dockets, books of record, forms, furnishings and supplies, shall be paid wholly out of the funds of the City. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

2.19.050 Municipal Court Employees. All employees of the municipal court shall, for all purposes, be deemed employees of the City of Lynnwood. They shall be appointed by and serve at the pleasure of the municipal judge.

2.19.060 Judges Pro Tem. The Mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the municipal court or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the municipal court as provided herein. The judge pro tem shall receive such compensation as shall be fixed by

ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Mayor.

2.19.070 Judicial Vacancy. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by appointment by the Mayor for the remainder of the unexpired term. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter.

2.19.080 Municipal Court Hours. The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the municipal court judge; PROVIDED, that the municipal court shall not be open on nonjudicial days.

2.19.090 Sentences.

- A. In all cases of conviction, unless otherwise provided in chapters 3.30 through 3.74 RCW as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, the defendant may be committed to jail until the judgment is paid in full.
- B. A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court.

2.19.100 Deferral and Suspension of Sentences. Unless otherwise provided by state law, the 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.

- 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.

2.19.110 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.

2.19.120 Pleadings, Practice and Procedure. Pleadings, practice and procedure in cases not governed by 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.

2.19.130 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.

2.19.140 Court Seal. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of Lynnwood, State of Washington" surrounding the vignette.

2.19.150 Removal of Judge. A municipal judge shall be removed only 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. Any vacancy in the municipal court due to death, disability or resignation of the municipal court judge shall be filled by the Mayor, for the remainder of the unexpired term. The appointed judge shall be qualified to hold the position of

judge of the municipal court as provided in this ordinance and RCW 3.50.

2.19.160 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. 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.

2.19.170 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, Marshall or other police officer of any city or to a Sheriff in the State.

2.19.180 Revenue - Disposition.

- A. Costs in civil and criminal actions may be imposed as provided in district court. All fees, fines, forfeitures and other money imposed by the municipal court for the violation of any municipal ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city treasurer as a part of the general fund of the city, or deposited in such other fund of the city, or deposited in such other funds as may be designated by the laws of the State of Washington.
- B. The city treasurer shall remit monthly thirty-two percent, or such other amount or percentage as is now or hereafter set by the laws of the State of Washington, of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.09.250.
- C. The balance of the money received under this section shall be retained by the City and deposited as provided by law.

**SECTION 2: Repealer.** Sections 1 through 3 of Ordinance 12 and Chapter 2.20 of the Lynnwood Municipal Code are hereby repealed in their entirety.

**SECTION 3: Savings.** The enactments of this chapter shall not affect any case, proceeding, appeal or other matter pending in the South District Court, Snohomish County, Washington, or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

**SECTION 4: 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.

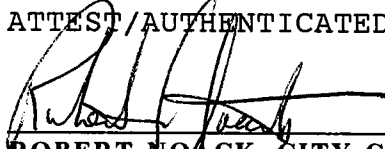
**SECTION 5: Effective Date.** This ordinance shall be in full force and effect on January 1, 1990, after passage, signature and publication, PROVIDED, Sections 2.19.010 and 2.19.030 through 2.19.180 of Section 2 and Sections 3 and 4 of this ordinance shall be effective on June 30, 1989, after passage, signature and publication.

PASSED THIS 8th day of May, 1989 and signed in authentication of its passage this 8th day of May, 1989.

APPROVED BY:

  
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MAYOR M. J. HRDLICKA

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
ROBERT NOACK, CITY CLERK

APPROVED AS TO FORM:

  
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OFFICE OF THE CITY ATTORNEY