

Ordinance No. 00015

[\(Council Minutes 95/11/27\)](#)

ORDINANCE NO. 15

AN ORDINANCE of the City of Lakewood, Washington, establishing a Municipal Court for the City of Lakewood

WHEREAS, Title 3.50 of the Revised Code of Washington authorizes cities to establish municipal courts within their corporate boundaries; and,

WHEREAS, one of the motivating factors in favor of incorporation of the new city of Lakewood was a desire for the City to establish a Municipal Court, to provide more convenient access for citizens needing to go to court, to better utilize City resources, and to give the City greater opportunity to define and pursue law enforcement priorities within its corporate boundaries.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN, that the Municipal Court of the City of Lakewood is established as follows:

Section 1. Creation of a traffic violations bureau.

There is hereby created and established a City Traffic Violations Bureau which shall be located at the City Hall offices.

Section 2. Processing of citations.

The Traffic Violations Bureau shall initially receive all citations charging violations of City ordinances. The Traffic Violations Bureau shall receive and post bail and penalties and shall issue receipts therefor. Forfeitures of bail and penalties on forfeitable misdemeanor charges and traffic infractions shall be accepted by the Traffic Violations Bureau.

Section 3. Forfeited moneys to the City general fund.

All moneys paid as bail or penalties and forfeited to the Traffic Violations Bureau for violations of ordinances of the City shall be placed in the general fund of the City.

Section 4. Administration of the traffic violations bureau.

The Traffic Violations Bureau shall be administered by the City's Court Administrator.

Section 5. Municipal court established.

Effective on February 28, 1996, there is established a "Municipal Court of the City of Lakewood", hereinafter referred to as the "Municipal Court", which court shall have jurisdiction and shall exercise all powers enumerated herein and in Chapter 3.50 RCW, together with all such other powers and jurisdiction as are generally conferred upon courts of limited jurisdiction in the State of Washington either by common law, the general law, or by express statute.

Section 6. 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 Lakewood, State of Washington", surrounding the vignette.

Section 7. Jurisdiction.

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. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. 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, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Section 8. Judges - Appointment - Qualifications.

A. Within thirty (30) days after the effective date of this Ordinance, a Municipal Judge shall be appointed for a term of office until December 31, 1997. The term of a subsequent re-appointment or of a successor shall commence on January 01 of the year thereafter and shall continue until December 31 of the fourth year thereafter, pursuant to appointment as provided below. Thereafter, all subsequent appointments or reappointments shall be for four years, expiring December 31 of the fourth year thereafter.

B. The Municipal Judge shall be appointed by the City Manager, subject to confirmation by the City Council for terms as provided above. Subsequent appointments or re-appointments shall be made on or before December 1st of the year next preceding the year in which the term is to commence.

C. Notwithstanding the above, if the position (or positions) of the Municipal Judge constitutes a full-time equivalent judicial position, pursuant to RCW 3.50.055, such position(s) shall be filled by election in accordance with RCW 3.50.055.

D. A person appointed or elected as 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, and shall be a resident of Pierce County.

Section 9. Salaries - Costs.

The salary of the Municipal Judge shall be fixed by ordinance upon adoption of the City's annual budget. All costs of operation of the Municipal Court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies shall be paid wholly out of the funds of the City. Jurors shall be paid a fee of twenty dollars (\$20.00) per day and mileage allowance pursuant to RCW 43.03.060. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

Section 10. 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, or by operation of law.

Section 11. Municipal court employees.

All employees of the Municipal Court shall be employees of the City and all applicable personnel practices and procedures and/or agreements with respect to hiring and termination, and personnel administration shall be followed; provided that the Municipal Court Judge shall have the responsibility for and authority over judicial functions and Court administration duties with which Municipal Court employees are involved.

Section 12. Judges pro tem - Court commissioners.

A. The Municipal Judge 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 is received, on an hourly basis, by the Municipal Judge, or as otherwise fixed by resolution or ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Municipal Judge.

B. The Municipal Judge may appoint one or more municipal court commissioners, who shall hold office during the pleasure of the Municipal Judge. Each municipal court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the Municipal Judge shall prescribe by court order.

Section 13. Judicial vacancy.

Any vacancy in the Municipal Court due to a death, disability, removal or resignation of a Municipal Judge shall be filled by the City Manager, subject to confirmation by the City Council, for the remainder of the unexpired term. The appointed Municipal Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in this chapter.

Section 14. Municipal court hours.

The Municipal Court shall be open during all regular business days and hours as the other offices of the City shall be open, but the dates and times of open court shall be as set by the Municipal Judge; provided, that the sessions of the open court shall not be on non-judicial days.

Section 15. Revenue deposits.

All fees, costs, fines, forfeitures and other moneys imposed or collected by the Municipal Court for the violation of any City ordinance, together with any other revenue received by the Municipal Court, shall be deposited with the City Treasurer as part of the general fund of the City.

Section 16. Rules of pleading, practice and procedure.

The rules of pleading, practice and procedure before the Municipal Court shall be in accordance with the Rules for Courts of Limited Jurisdiction, as published by the Washington Supreme Court, as currently in effect, as may be subsequently amended.

Section 17. Public defender - Appointment.

The Municipal Judge is authorized to appoint, on a case to case basis, as may be required, an attorney licensed to practice before the courts of the State of Washington, to act as public defender in representing indigent persons charged with offenses triable in the municipal court and cases appealed therefrom.

Section 18. Public defender - Statement for services.

The attorney appointed to act as public defender shall present his statement for services to the City, and the same shall be paid in the same manner as the other obligations of the City.

Section 19. Public defender - Payment.

The charges submitted by the public defender and approved by the City Council shall be paid from the general fund of the City.

Section 20. Use of credit cards.

The Municipal Court may permit the use of credit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures imposed. The Municipal Court may enter into agreements with one or more financial institutions for the purpose of such collections. The said agreements may specify conditions, remuneration for services, and other charges deemed appropriate, upon confirmation by the City Council.

Section 21. Use of collection agencies and attorneys.

A. The Municipal Court may use collection agencies as defined by Chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the Court. The Municipal Court may enter into agreements, with the confirmation of the City Council, with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate.

B. Servicing of delinquencies by collection agencies or by collecting attorneys in which the Municipal Court retains control of its delinquencies shall not constitute assignment of debt.

C. The term "debt" shall include penalties, fines, costs, assessments, or forfeitures imposed by the Municipal Court.

D. The Municipal Court may assess, as court costs, the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

Section 22. 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 23. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and on February 28, 1996.

ADOPTED by the City Council this 27th day of November, 1995

/S/ Bill Harrison

Mayor

Attest:

/S/ Alice M. Bush

Interim City Clerk

Approved as to Form:

/S/ Daniel B. Heid

City Attorney

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