

**CITY OF MONROE
ORDINANCE NO. 014/2014**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING MONROE MUNICIPAL CODE CHAPTER 2.80, ESTABLISHING THE MONROE MUNICIPAL COURT; AMENDING THE PROVISIONS OF MMC 10.22.010 TO DESIGNATE THE COURT AS THE TRAFFIC VIOLATIONS BUREAU OF THE CITY; REPEALING AND REENACTING THE PROVISIONS OF MMC 9.02.080, VIOLATION — PENALTY, TO CONFORM TO RCW 3.50.440; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, pursuant to RCW 3.50.810, RCW 39.34.180, and Section 5.1 of the Interlocal Agreement for District Court services with Snohomish County, the City provided formal notice of the termination of its Interlocal Agreement designating Evergreen District Court as the municipal court of the City; and

WHEREAS, pursuant to Chapter 3.50 RCW, the City Council desires to establish the Monroe Municipal Court; and

WHEREAS, the City Council deems it to be in the public interest to designate the Monroe Municipal Court as the City's Traffic Violations Bureau.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Chapter. Title 2 of the Monroe Municipal Code is hereby amended by the adoption of Chapter 2.80, Municipal Court, to read as follows:

**Chapter 2.80
Municipal Court**

Sections:

- | | |
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| 2.80.010 | Court established. |
| 2.80.020 | Jurisdiction. |
| 2.80.030 | Judges - Appointment - Qualifications. |
| 2.80.040 | Salaries and costs. |
| 2.80.050 | Municipal court employees. |
| 2.80.060 | Judges pro tem. |
| 2.80.070 | Court commissioners - Appointment - Qualification - Limitations - Part-time judge. |
| 2.80.080 | Judicial officers - Disqualification. |
| 2.80.090 | Removal of judge - Filling vacancies. |

- 2.80.100 Municipal court hours.
- 2.80.110 Sentencing - Crimes against property - Criminal history check.
- 2.80.120 Suspension or deferral of sentence - Continuing jurisdiction of court.
- 2.80.130 Revocation of deferred or suspended sentence - Limitations - Termination of probation.
- 2.80.140 Offender supervision by another state.
- 2.80.150 Penalty if no other punishment prescribed.
- 2.80.160 Complaints.
- 2.80.170 Pleadings, practice and procedure.
- 2.80.180 Case transfers.
- 2.80.190 Court seal.
- 2.80.200 Request for jury trial in civil cases - Exception - Fee - Juror compensation - Jury trials in criminal cases.
- 2.80.210 Criminal process.
- 2.80.220 Revenue - Disposition - Interest.
- 2.80.230 Annual report.

2.80.010 Court established.

Effective January 1, 2015, at 12:01 AM, there is hereby established a municipal court entitled "the municipal court of the city of Monroe," hereinafter referred to as the "municipal court." The municipal court shall have jurisdiction and exercise all powers enumerated herein and in Chapter 3.50 RCW together with such other powers and jurisdiction as are generally conferred upon a municipal court in this state either by common law or by express statute.

2.80.020 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. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city. 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. If the municipal court participates in the program established by the administrative office of the courts pursuant to RCW 2.56.160, it shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

2.80.030 Judges - Appointment - Qualifications.

A. The municipal judge shall be appointed by the mayor for a term of four years, subject to the confirmation by the city council. The first judicial appointment to the position of municipal judge will be for the initial unexpired remainder of a four-year term established by RCW 3.50.040, commencing January 1, 2015, and expiring December 31, 2017. The mayor shall endeavor to make his or her appointment thirty days prior to the expiration of each judicial term; provided, however, that if the city council fails to confirm a mayoral appointment, the mayor and city council shall have sixty days commencing upon either the expiration of the pending judicial term or the failure of the city council to confirm the mayoral appointment, whichever shall later occur. In the event that for any reason the mayoral appointment is not confirmed, the incumbent municipal judge shall hold over and continue in office until such time as a successor is appointed.

B. A person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington and a resident of Snohomish County; and an attorney admitted to practice law before the courts of record of the state of Washington.

2.80.040 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.

2.80.050 Municipal court employees.

The employees of the municipal court shall, for all purposes, be deemed employees of the city of Monroe. They shall be appointed by and serve at the pleasure of the municipal judge and be directed in their duties by the judge in accordance with GR 29. The city shall set, and when appropriate, bargain with respect to wages, benefits and working conditions of court employees.

2.80.060 Judges pro tem.

The municipal court judge may designate one or more persons as judges pro tempore to serve in the absence or disability of the duly appointed judge of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the appointed judge when the administration of justice and accomplishment of the work of the court make it necessary. Qualifications of the judges pro tempore shall be the same as for judges appointed pursuant to MMC 2.80.030. Judges pro tempore shall have all the powers of the duly appointed judge when serving as judges pro tempore of the court. Before entering upon his or her duties, each

judge pro tempore shall take, subscribe and file an oath as is taken by the duly appointed judge. Judges pro tempore shall receive such compensation as shall be fixed by ordinance.

2.80.070 Court commissioners - Appointment - Qualification - Limitations - Part-time judge.

- A. One or more court commissioners may be appointed by a judge of the municipal court.
- B. Each commissioner holds office at the pleasure of the appointing judge.
- C. A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state of Washington.
- D. When serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.
- E. A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

2.80.080 Judicial officers - Disqualification.

- A. A municipal court judicial officer shall not preside in any of the following cases:
 - 1. In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.
 - 2. When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (a) the arrangement of the calendar; (b) the setting of an action, motion, or proceeding for hearing or trial; (c) the arraignment of the accused; or (d) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.
- B. When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

C. For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

2.80.090 Removal of judge - Filling vacancies.

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 expired term. The appointment shall be subject to confirmation by the city council. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this ordinance and Chapter 3.50 RCW.

2.80.100 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.

2.80.110 Sentencing - Crimes against property - Criminal history check.

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

2.80.120 Suspension or deferral of sentence – Continuing jurisdiction of court.

For a period not to exceed five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055 and two years after imposition of sentence for all other offenses, the court shall have continuing jurisdiction and authority to suspend or defer the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court shall have the term of probation tolled until such time as the defendant makes his other presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

2.80.130 Revocation of deferred or suspended sentence - Limitations - Termination of probation.

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.

2.80.140 Offender supervision by another state.

A. If a person placed on probation for one year or more for a misdemeanor or gross misdemeanor by a municipal court requests permission to travel or transfer to another state, the assigned probation officer shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

1. Notify the department of corrections of the probationer's request;
2. Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;
3. Notify the probationer of the fee due to the department of corrections for processing an application under the compact;
4. Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;
5. Resume supervision if the probationer returns to this state before the term of probation expires.

B. The probationer shall receive credit for time served while being supervised by another state.

C. If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

D. The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

2.80.150 Penalty if no other punishment prescribed.

Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance is guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or imprisonment in the city jail for up to three hundred sixty-four days, or both such fine and imprisonment.

2.80.160 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.

2.80.170 Pleadings, practice and procedure.

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal court 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.

2.80.180 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.

2.80.190 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 Monroe, State of Washington," surrounding the vignette.

2.80.200 Request for jury trial in civil cases - Exception - Fee - Juror compensation - Jury trials in criminal cases.

In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six 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 may receive up to twenty-five dollars but in no case less than ten dollars 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; provided, that the compensation paid jurors shall be determined by

the legislative authority of the city and shall be uniformly applied. Jury trials shall be allowed in all criminal cases unless waived by the defendant.

2.80.210 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.

2.80.220 Revenue - Disposition - Interest.

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 any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest 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. Except as provided RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for 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, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under his subsection to the state treasurer shall be deposited in the state general fund.

C. The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

D. Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

E. Interest retained by the court on penalties, fines, bail forfeitures fees and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

2.80.230 Annual report.

The municipal court judge shall report annually to the city council at a meeting designated by the city council no later than November 1st. The report shall review the operations of the court and its compliance with the provisions of Chapter 3.50 RCW and other relevant laws and statutes. The judge shall recommend any changes in this statute needed to comply with state or federal law and may make other recommendations consistent with justice and the efficient operations of the court.

Section 2. Amendment of Section. Section 10.22.010, Bureau created, is hereby amended to designate the Monroe Municipal Court as the Traffic Violations Bureau of the City to read as follows:

**10.22.010 ~~[BUREAU CREATED]~~Violations bureau for traffic cases -
Disposition of moneys collected.**

~~A violations bureau is hereby established [FOR THE CITY OF MONROE. THE TRAFFIC VIOLATIONS BUREAU SHALL BE UNDER THE SUPERVISION OF THE EVERGREEN DISTRICT COURT OR A MUNICIPAL DEPARTMENT THEREOF OR SUCH OTHER COURT HAVING JURISDICTION OF TRAFFIC CASES AS THE CITY CONTRACTS WITH FOR JUDICIAL SERVICE. THE EMPLOYEES OF THE TRAFFIC VIOLATIONS BUREAU SHALL BE CITY EMPLOYEES. THE TRAFFIC VIOLATIONS BUREAU SHALL BE OPEN DURING SUCH HOURS AS THE CITY COUNCIL MAY DESIGNATE.]~~to operate under the supervision of the municipal court to assist the court in processing traffic cases. The municipal court shall designate the specific traffic offenses and traffic infractions under city ordinances which may be processed by the violations bureau.

A violations bureau is authorized to process traffic infractions in conformity with chapter 46.63 RCW.

The violations bureau is authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. The violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations 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 violations bureau for the violation of municipal ordinance shall be placed in the city general fund or such other fund as may be prescribed by ordinance of the city or laws of the state of Washington.

Section 3. Repeal/Reenactment of Section. MMC 9.02.080, Violation - Penalty, is hereby repealed, and reenacted to read as follows:

9.02.080 Violation - Penalty.

~~[EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS TITLE, ANY PERSON VIOLATING THE TITLE OR ANY SECTION OR PROVISION THEREOF IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED BY A FINE NOT EXCEEDING ONE THOUSAND DOLLARS OR BY IMPRISONMENT NOT TO EXCEED NINETY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT. IF THE STATE STATUTE IN THE REVISED CODE OF WASHINGTON FOR THE SAME OFFENSE IS A GROSS MISDEMEANOR, THE PERSON VIOLATING THE SECTION OR PROVISION IS GUILTY OF A GROSS MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED BY A FINE NOT EXCEEDING FIVE THOUSAND DOLLARS OR BY IMPRISONMENT NOT TO EXCEED THREE HUNDRED SIXTY FIVE DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT. THE PENALTIES FOR ACTS THAT CONSTITUTE A CRIME UNDER THIS CODE SHALL BE THE SAME PENALTY AS THE PENALTY PRESCRIBED FOR THAT CRIME BY STATE STATUTE AS AUTHORIZED UNDER RCW 35.21.163.]~~

Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance is guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or imprisonment in the city jail for up to three hundred sixty-four days, or both such fine and imprisonment.

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 thirty (30) days from and after its final passage as required by law, on or before January 1, 2015.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 4th day of November, 2014.

1st Reading: October 28, 2014
2nd/Final Reading: November 4, 2014
Published: November 11, 2014
Effective: November 16, 2014

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:



Elizabeth M. Smoot, CMC, City Clerk

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney
