

Title 4

MUNICIPAL SERVICES

Chapters:

4.01 Clyde Hill Municipal Court

Chapter 4.01

CLYDE HILL MUNICIPAL COURT

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4.01.010 Creation.

There is hereby created an inferior court, to be known and designated as a municipal court, which shall be entitled “The Municipal Court of Clyde Hill.” (Ord. 804 § 1, 1999)

4.01.020 General jurisdiction.

The municipal court of Clyde Hill shall have jurisdiction and shall exercise all powers in accordance with Chapter 3.50 RCW, as it now exists or is hereafter amended, together with such other powers and jurisdiction as are generally conferred upon such court by either common law or express state statute. (Ord. 804 § 1, 1999)

4.01.030 Exclusive original jurisdiction.

The municipal court of Clyde Hill shall have exclusive original jurisdiction over the following matters:

- A. Traffic infractions arising under city ordinances;
- B. Criminal violations of city ordinances;
- C. Actions brought to enforce or recover license penalties or forfeitures declared or given by city ordinance or state statute.

This exclusive original jurisdiction shall include the power to hear and determine all causes enumerated above arising under city ordinances, and to pronounce judgment thereon. The municipal court of Clyde Hill is also empowered to forfeit cash bail or bail bonds and issue execution thereon. (Ord. 804 § 1, 1999)

4.01.040 Court commencement date.

The Clyde Hill municipal court shall commence operations and shall have jurisdiction as outlined in CHMC 4.01.020 and 4.01.030 for all actions occurring on or after 12:01 a.m. on January 1, 2000. (Ord. 804 § 1, 1999)

4.01.050 Creation of violations bureau.

A. Creation. The Clyde Hill violations bureau is hereby created to operate under the supervision of the municipal court to assist the court in processing traffic cases.

B. Processing. The violations bureau may process city traffic offenses/infractions in conformance 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 violations bureau shall issue a receipt therefor to the alleged violator, shall acknowledge the posting thereof, and shall inform the accused of the legal consequences of bail forfeiture.

D. Fines and Penalties. Any person charged with any criminal traffic offense within the au-

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thority of the violations bureau as described in subsection (A) of this section 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 violations of Clyde Hill ordinances shall be handled in accordance with CHMC 4.01.060.

E. Operation by Interlocal Agreement. The violations bureau may be administered and operated by another municipality, on behalf of Clyde Hill, pursuant to interlocal agreement. (Ord. 804 § 1, 1999)

4.01.060 Disposition of municipal court revenue.

Costs in criminal actions may be imposed by the municipal court. All fees, costs, fines, forfeitures and other monetary requirements imposed by the municipal court for the violation of 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 part of the general fund of the city, or deposited in such other funds as may be designated by the laws of the state of Washington. These funds shall be retained or disbursed in accordance with RCW 3.50.100 and pursuant to city ordinances. (Ord. 804 § 1, 1999)

4.01.070 Sessions.

The municipal court shall be open for regular sessions consistent with the schedule set by the Kirkland municipal court (presently five days each week), except for nonjudicial days, as established by state law. The municipal judge shall establish the time for operation of court for regular and special sessions. The municipal judge shall have the authority to establish additional court dates if necessary to provide effective and efficient justice. This section shall not limit the actions of the munic-

ipal judge regarding items such as telephonic approval of search warrants, issuance of no contact orders or determinations as to probable cause. (Ord. 804 § 1, 1999)

4.01.080 Municipal judge – Pro tem judge – Judicial vacancies.

A. Appointment of Judge. Within 30 days of the effective date of the ordinance codified in this chapter and no later than December 1, 1999, the mayor shall appoint a municipal judge who is qualified in accordance with RCW 3.50.040. The appointment shall be made in writing. The municipal judge shall serve a term of four years. On or before December 1st of the year in which the municipal judge's term expires, the mayor shall fill the position of municipal judge by appointment in accordance with this section.

B. Additional Judges. Additional full- or part-time municipal judge positions may be filled in accordance with subsection (A) of this section, when the public interest and the administration of justice make such additional judge or judges necessary.

C. Judges Pro Tem. Within 30 days of the effective date of the ordinance codified in this chapter, the mayor shall appoint a pro tem municipal judge who is qualified in accordance with RCW 3.50.040 to act in the absence, disability or disqualification of the regular municipal judge(s). The appointment shall be made in writing and shall specify the term of the appointment; however, the term shall not exceed beyond the term of the appointing mayor.

D. Vacancies. Any vacancy in the municipal court due to death, disability, removal or resignation of a judge shall be filled for the remainder of the unexpired term in accordance with the procedure set forth in subsection (A) of this section. The appointed judge shall be qualified to hold the position of judge in accordance with RCW 3.50.040.

E. Removal. A municipal judge or pro tem judge shall be removed only upon conviction or misconduct or malfeasance in office,

removal by the Commission on Judicial Conduct or the Washington Supreme Court, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. The municipal judge is subject to discipline by the Commission on Judicial Conduct and the Washington Supreme Court, as described in Chapter 2.64 RCW.

F. Oath. Every judge of the Clyde Hill 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 office of judge of the municipal court of the city of Clyde Hill, according to the best of my ability.

The oath shall be filed in the office of the King County records and elections and with the Clyde Hill city clerk.

G. Compensation. The salary for said municipal judge and the pro tem municipal judge shall set by ordinance of the city council.

H. Bond. Each municipal judge or pro tem judge shall give such bonds to the state and city for the faithful performance of the judges duties as required by state, law or city ordinance. (Ord. 804 § 1, 1999)

4.01.090 Court employees.

All employees of the municipal court shall be deemed employees of the city, and are subject to applicable provisions of city personnel rules and state laws. However, for any and all period of time that the Clyde Hill municipal court is operated by another municipality pursuant to an interlocal agreement, the municipal court employees shall be the employees of the municipality operating the municipal court. (Ord. 804 § 1, 1999)

4.01.100 Witness fees.

Each witness who appears as directed by subpoena on city cases shall receive a witness fee in the amount set by resolution of the city council. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 804 § 1, 1999)

4.01.110 Jury trial and fees.

Jury trials shall be allowed in accordance with RCW 3.50.135 or in accordance with state law applicable to a particular matter. The fees paid to jurors shall be set by resolution of the city council in accordance with RCW 3.50.135 and 43.03.060, as amended from time to time, for each day in attendance upon the Clyde Hill municipal court. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 804 § 1, 1999)

4.01.120 Fees for services.

The clerk shall collect fees for the following court services:

- A. Filing of any case or matter (other than by the city of Clyde Hill);
- B. Transcript of judgment;
- C. Certifying any document on file;
- D. Preparing the record of a case for appeal to superior court;
- E. Duplication of part or all of the electronic tape of a proceeding;
- F. Probation services;
- G. Stopping payment on a court-issued check;
- H. Handling a check returned for insufficient funds;
- I. Vehicle impound hearing;
- J. Administrative dismissal upon proof of insurance in effect at time of infraction;
- K. Electronic home detention;
- L. Work release; and
- M. Day detention.

The amount of said fees shall be set by resolution of the city council.

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The fees imposed under this section may be included in the costs that are imposed by the court upon a defendant. (Ord. 808 § 1, 1999; Ord. 804 § 1, 1999)

4.01.125 Failure to respond – Unlawful.

It is unlawful for a person who has been issued a traffic infraction, as defined by this code, to fail to respond in the manner directed on the notice of infraction. The penalty for such failure to respond shall be established by resolution of the city council. This penalty is in addition to penalties imposed for the underlying infraction. (Ord. 808 § 2, 1999)

4.01.130 Municipal 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 Clyde Hill, State of Washington,” surrounding the vignette. (Ord. 804 § 1, 1999)

4.01.140 Case transfers.

A transfer of a case from the municipal court to either another Clyde Hill municipal judge or a judge pro tem shall be allowed as provided by RCW 3.50.125. (Ord. 804 § 1, 1999)

4.01.150 Sentencing.

The municipal judge shall have the broadest authority and discretion consistent with the Clyde Hill Municipal Code and state law with respect to sentencing and probation. In matters of execution of sentence, deferral of sentence, continuing jurisdiction after sentencing, and termination of probation, the municipal judge shall follow applicable state law, including RCW 3.50.300 through 3.50.340 and 3.50.440. (Ord. 804 § 1, 1999)

4.01.160 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 any sheriff in the state. (Ord. 804 § 1, 1999)

4.01.170 Complaints.

All criminal prosecutions for violation of any 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. (Ord. 804 § 1, 1999)

4.01.180 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. (Ord. 804 § 1, 1999)

4.01.190 Adoption of Chapter 3.50 RCW.

The city hereby adopts Chapter 3.50 RCW, and any amendments thereto. The city clerk is hereby directed to maintain a complete copy of Chapter 3.50 RCW available for public inspection. (Ord. 804 § 1, 1999)