

ORDINANCE NO. 2022-_____

AN ORDINANCE relating to Municipal Court: amending YMC Chapter 1.60, adding fees to the Master Fee Schedule, removing language pertaining to in-house probation services and violations bureau, and other housekeeping changes.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The following sections of Chapter 1.60, of the City of Yakima Municipal Code is hereby amended to read as follows:

~~“~~Chapter 1.60

MUNICIPAL COURT

Sections:

- 1.60.010 Creation.
- 1.60.020 Jurisdiction.
- ~~1.60.030 Violations bureau.~~
- 1.60.040 Municipal judge.
- 1.60.050 Witness fees.
- 1.60.060 Jury trial and fee.
- 1.60.070 Fees for court services.
- 1.60.080 Disposition of revenue.
- 1.60.090 Sessions.
- 1.60.100 Municipal court seal.
- 1.60.110 Case transfers.
- 1.60.120 Sentencing.

- 1.60.130 Criminal process.
- 1.60.140 Complaints.
- 1.60.150 Pleadings, practice and procedure.
- 1.60.160 Probation services—~~Creation.~~
- 1.60.170 Probation fees.
- ~~1.60.175 Daytime detention.~~
- ~~1.60.180 Power of arrest.~~
- 1.60.190 Compliance with rules.
- 1.60.200 Court operation.
- 1.60.210 Severability.

- 1.60.010 Creation.

The municipal court of Yakima is hereby created, which shall have jurisdiction and exercise all powers vested in a court by state law including but not limited to Chapter 3.50 RCW as it ~~now exists~~ exists or may hereafter be amended, together with such other powers and jurisdiction as is generally conferred on such courts in Washington, either by common law or express statute. The municipal court shall commence operation January 1, 1997. (Ord. 96-68 § 1 (part), 1996).

1.60.020 Jurisdiction

The Yakima municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances, and exclusive 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 and bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic, parking and animal control infractions, arising under city ordinances, and to pronounce judgment in accordance therewith. Finally, the court shall have jurisdiction as generally conferred upon such court in this state either by common law or by express statute. (Ord. 96-68 § 1 (part), 1996).

~~1.60.030 Violations bureau~~

~~A.— Creation. The Yakima violations bureau is hereby created to operate under the supervision of the municipal court to assist the court in processing traffic cases. The violations bureau created by this section shall commence operation January 1, 1997, and shall take over processing of all matters which were being processed as of December 31, 1996, by the violations bureau which operated under that grant of authority from the Yakima County district court, dated December 31, 1980. Day-to-day operations of the violations bureau shall be supervised by the court administrator.~~

~~B.— Processing. The violations bureau is authorized to perform all the functions which a city may authorize a violations bureau to perform under RCW Chapter 3.50 as it now exists or may hereafter be amended. The violations bureau shall operate in conformity with state statutes such as RCW Chapter 46.63 and RCW 3.50.030 as they now exists or may hereafter be amended. All penalties and forfeitures paid to the violations bureau shall be handled in the same manner as municipal court revenue. (Ord. 96-68 § 1 (part), 1996).~~

1.60.040 Municipal judge

A. Appointment. Within thirty days after the effective date of the ordinance codified in this chapter or any resolutions of the city council which provide for additional judges, the city manager shall appoint the municipal judge subject to confirmation by the city council. Such appointment shall be effective until the next regularly scheduled judicial election.

B. Term. The initial appointment of a judge under this chapter shall expire December 31, 1997. Thereafter, each elected municipal court judge shall serve a term of four years.

C. Election. In accordance with the provisions of RCW 3.50.055, all full-time municipal judges shall be elected to office. Such election shall occur at the regularly scheduled judicial election immediately following creation of the judicial position. Such judge shall be elected in accordance with state statutes as now enacted or hereinafter amended.

D. Additional Judges. Additional full- or part-time municipal judge positions may be filled as provided in subsections A and C of this section, when the public interest and the administration of justice makes such additional judge or judges necessary, and so long as that procedure is in compliance with state statutes, such as RCW 3.50.055. Additional full- or part-time judge positions shall be created by a resolution of the city council.

E. Judges Pro Tem. The presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly

appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not be a resident of the city or county of Yakima. Judges pro tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Judges pro tempore shall receive, and the city shall pay, compensation in the amount ~~listed in the Master Pay Ordinance, of forty dollars per hour~~ with a minimum ~~of compensation of~~ four hours pay for each day worked.

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 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; provided that, a municipal court judge is also subject to disciplinary actions by the Commission of Judicial Conduct and the Washington State Supreme Court, as described in RCW Chapter 2.64.

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 judge of the municipal court of the City of Yakima, according to the best of my ability.

The oath shall be filed in the office of the Yakima County recorder and with the city clerk.

~~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.J.~~ Compensation. Pursuant to RCW 3.50.080, the compensation for municipal court judges shall be set by the city council by ordinance. ~~Commencing January 1, 2006, the~~ annual base ~~salary shall be one hundred fifteen thousand nine hundred sixteen dollars and sixteen cents, and~~ shall be ~~maintained thereafter at~~ ninety-five percent of the district court judges' salary as set by the State Salary Commission, with any variance for rounding in favor of the judge.

~~J.K.~~ Qualifications. A person appointed or elected as a full- or part-time municipal court 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. (Ord. 2005-85 § 1, 2005; Ord. 2003-23 § 2, 2003; Ord. 98-72 § 1, 1999; Ord. 97-19 § 1, 1997; Ord. 96-68 § 1 (part), 1996).

1.60.050 Witness fees

Each witness subpoenaed for city cases who appears as directed shall receive a witness fee ~~of ten dollars as set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council~~ plus mileage for each day's attendance at the Yakima municipal court. The fees may be included in the costs that are imposed by the court upon a defendant. Such fees shall be paid as provided in Yakima Municipal Code Chapter 1.72 as it now exists or may hereafter be amended. (Ord. 96-68 § 1 (part), 1996).

1.60.060 Jury trial and fee

A jury trial shall be allowed as specifically provided for municipal courts or in accordance with state law applicable to a particular matter. In accordance with state law, including but not limited to RCW 3.50.135 as they now ~~exists~~exist or may hereafter be amended, each juror shall receive ~~ten dollars a fee as set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council~~ plus mileage as determined under RCW 43.03.060, as it now exists or may hereafter be amended, for each day in attendance upon the Yakima municipal court. These fees may not be included in the costs that are imposed by the court upon a defendant. A jury fee ~~of twenty five dollars as set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council~~ shall be imposed upon each convicted person and shall be incurred at the time the matter is scheduled for jury trial following status conference. (Ord. 96-68 § 1 (part), 1996).

1.60.070 Fees for court services

The administrator shall collect the following fees for court services:

The fees or charges imposed under this section may be included in the costs that are imposed by the court upon a defendant or other person. [Fee amounts determined by the court shall be set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council.](#) (Ord. 97-19 § 2, 1997; Ord. 96-78 § 1, 1996; Ord. 96-68 § 1 (part), 1996).

(1) ~~A~~The filing fee for any case or matter to be filed or commenced other than by the city of ~~Ya~~akima, ~~is thirty-one dollars, shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.~~

~~(2) The fee for preparing a transcript of a judgment is six dollars.~~

~~(23) A~~The fee for certifying a document on file or of record, ~~shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, is five dollars.~~

~~(4) The fee for preparing the record of a case for appeal to superior court is forty dollars, including any cost of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).~~

~~(35) A~~The fee for duplication for part or all of the electronic tape or tapes of a proceeding, ~~shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, is ten dollars per tape.~~

~~(46) A~~The fee for preparing and securing ~~each a~~ warrant ~~recall~~ for failure to appear, ~~shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, is one hundred dollars per warrant.~~

~~(7) The fee for civil jury demand is one hundred dollars.~~

[\(5\) A fee for compromise of misdemeanor consistent with RCW 10.22.020.](#)

[\(6\) A fee for a deferred finding of a traffic infraction consistent with RCW 46.63.070.](#)

~~(857)~~ The court may impose such other fees and costs as permitted or mandated by statute, ordinance, or court rule.

1.60.080 Disposition of revenue

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 a city ordinance shall be collected by the court, and, together with any revenues received by the court shall be deposited in the city treasury, as provided by city procedures or state law. These funds shall be retained or disbursed pursuant to city ordinances or policies and state law. (Ord. 96-68 § 1 (part), 1996).

1.60.090 Sessions

The municipal court shall be open for regular sessions Monday through Friday of each week. The time for operation of court on those days shall be established by the municipal judge. ~~The city council shall have the authority to establish, by resolution, night court.~~ The municipal court judge shall have the authority to establish additional court dates, by order of the municipal court, to provide effective and efficient administration of justice. However, the court shall not be open on non-judicial days, as established by state law. This section shall not act as a limitation of actions of the municipal judge regarding items such as telephonic approval of search warrants, issuance of no contact orders, or determinations as to probable cause. (Ord. 96-68 § 1 (part), 1996).

1.60.100 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 Yakima, State of Washington" surrounding the vignette. (Ord. 96-68 § 1 (part), 1996).

1.60.110 Case transfers

A transfer of a case from the municipal court to either another municipal judge of the city of Yakima or to a judge pro tem appointed in the manner prescribed by this chapter shall be allowed as provided in state law including but not limited to RCW 3.50.125 as they now ~~exist~~exist or may hereafter be amended. (Ord. 96-68 § 1 (part), 1996).

1.60.120 Sentencing

The municipal judge shall have the broadcast authority and greatest discretion consistent with Yakima municipal code and state law, as they now ~~exist~~exist or may hereafter be amended, with respect to sentencing and probation. In matters of execution of sentence, deferral of sentence, continued jurisdiction after sentencing, and termination of probation, the municipal judge shall be guided by applicable state law, such as RCW 3.50.300 through 3.50.340, and RCW 3.50.440 as they now ~~exist~~exist or may hereafter be amended. (Ord. 96-68 § 1 (part), 1996).

1.60.130 Criminal process

All criminal processes 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 the police officer of any city, or to any sheriff in the state. (Ord. 96-68 § 1 (part), 1996).

1.60.140 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. (Ord. 96-68 § 1 (part), 1996).

1.60.150 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 procedures applicable to district courts, particularly the Washington Rules of Court, Criminal Rules for Court of Limited Jurisdiction, Infraction Rules for Courts of Limited Jurisdiction, and Local Rules of the District Court for Yakima County. (Ord. 96-68 § 1 (part), 1996).

1.60.160 Probation services—~~Creation~~

~~Probation services shall be provided as determined by the municipal court. There is hereby created a probation services for the city of Yakima which shall supervise persons granted probation by the municipal court of Yakima.~~ Probation services shall provide pre-sentence and after sentence investigative services, monitor, ~~deferred prosecutions, supervise alcohol/drug/mental health referrals, monitor collection of fines, fees and restitution, monitor community service, supervise, in conjunction with the police department, day detention, home detention and other sentencing alternatives and monitor~~ and enforce any and all other conditions as set forth by the court. (Ord. 96-68 § 1 (part), 1996).

1.60.170 Probation fees

Persons referred to probation services by the court for evaluation ~~and/or~~ supervision services shall pay a monthly fee ~~of up to one hundred dollars~~ ~~to the agency providing probation services.~~ ~~of up to one~~ ~~hundred dollars as provided by a sliding scale as now or hereafter adopted by the court. All fees hereunder shall be paid into the general fund and shall be used~~ The fees shall be used to fund programs for misdemeanor probation services in accordance with state law including but not limited to RCW 10.64.120 as they now exist or may hereafter be amended. (Ord. 96-68 § 1 (part), 1996).

~~1.60.175 Daytime detention~~

~~1.—The probation department of the municipal court is authorized and directed to establish and implement a program for the detention of certain misdemeanor and gross misdemeanor offenders as a condition of active probation. Such detention shall be~~

~~during usual business hours, lunch time expected, beginning at eight a.m. (0800) and ending at five p.m. (1700).~~

~~2.— Those persons granted day detention as a condition of probation shall obey the rules and requirements of probation services. Failure to satisfy conditions of day detention may be deemed a failure to comply with terms of probation and may be grounds for revocation of probation.~~

~~3.— Probation services shall provide appropriate supervision and scheduling of day detention, at a site to be determined from time to time, provided that the day detention facility shall not be at or a part of the city jail.~~

~~4.— Persons granted day detention as a condition of probation may be required to pay a day detention fee of up to twenty dollars per day in advance of actual day detention.~~

~~5.— Day detention shall be deemed an option for all persons sentenced by the court after January 1, 1997, provided that no actual day detention shall be required until an appropriate facility has been prepared. (Ord. 97-20 § 1, 1997).~~

1.60.180 Power of arrest

~~Probation officers shall have the power to arrest persons for violation of the terms of probation. (MC3). (Ord. 96-68 § 1 (part), 1996).~~

1.60.190 Compliance with rules

Probation services will make a good faith effort to comply with rules adopted by the office of the administrator for the courts for the qualifications of probation officers based on occupational and educational requirements. (Ord. 96-68 § 1 (part), 1996).

1.60.200 Court operation

As part of the preliminary budget presentation, the presiding judge of the municipal court will create a budget for the court and the city manager will make a recommendation to the city council. The budget for the municipal court shall be as approved by the city council. All employees of the municipal court shall, for all purposes, be employees of the city and shall be appointed by and serve at the pleasure of the court. (Ord. 2022-007 § 8, 2022; Ord. 2003-23 § 1, 2003; Ord. 96-68 § 1 (part), 1996).

1.60.210 Severability

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 96-68 § 1 (part), 1996)."

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this _____ day of _____, 2022.

ATTEST:

City Clerk

Janice Deccio, Mayor

Publication Date: _____

Effective Date: _____

PASSED BY THE CITY COUNCIL, signed and approved this 6th day of December, 2022.

ATTEST:

Sonya Claar Tee, City Clerk

Janice Deccio, Mayor

Publication Date:

Effective Date: