

CITY OF MOSSYROCK, WASHINGTON
ORDINANCE NO. 506

**AN ORDINANCE OF THE CITY OF MOSSYROCK, WASHINGTON,
REPEALING AND REPLACING MOSSYROCK MUNICIPAL CODE
CHAPTER 2.12 CONCERNING DISTRICT COURT; AMENDING
ORDINANCE NO. 496 AS NECESSARY; REPEALING ORDINANCE NO.
139; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE.**

RECITALS:

WHEREAS, the City of Mossyrock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “MMC” shall mean the “Mossyrock Municipal Code,” and

WHEREAS, Chapter 2.12 MMC is entitled “DISTRICT COURT”; and

WHEREAS, Ordinance No. 139, as codified at Chapter 2.12 of the Mossyrock Municipal Code, was enacted on December 11, 1980; and

WHEREAS, the City has terminated its contract with Lewis County District Court effective July 1, 2023; and

WHEREAS, Chapter 3.50 RCW authorizes cities with populations of 400,000 or less to operate municipal courts; and

WHEREAS, the City is required to have a municipal court; and

WHEREAS, the City, after much research and analysis, concluded that creating its own municipal court and pursuing a contract with the City of Napavine for municipal court services is the best option for reduced cost and increased service level and that it would be beneficial to both cities; and

WHEREAS, the Council desires to repeal and replace Chapter 2.12 MMC as set forth herein.

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

Section 1. Chapter 2.12 of the Mossyrock Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 2.12 MMC entitled “Municipal Court”, to read as follows:

CHAPTER 2.12
MUNICIPAL COURT

Sections:

- 2.12.010 Established.
- 2.12.020 Violations bureau.
- 2.12.030 Appointment of judge.
- 2.12.040 Pro tem appointments.
- 2.12.050 Salary of judge, Payment of Court Operating Costs.
- 2.12.060 Hours in session.
- 2.12.070 Pleadings, practice, and procedures.
- 2.12.080 Operated and governed by.
- 2.12.090 Sentencing.
- 2.12.100 Effective date.

2.12.010 Established.

There is created and established an inferior court to be known and designated as a municipal court entitled "The Municipal Court of the City of Mossyrock," which court shall have exclusive original criminal jurisdiction of all violations of city ordinances and shall have original jurisdiction of all other actions brought to enforce and recover license penalties or forfeitures declared or given by such city ordinances or by the state statutes. Such municipal court shall further have jurisdiction and shall exercise all powers granted by RCW Chapter 3.50, et seq., as now in force or hereafter amended, together with such other powers and jurisdictions as are generally conferred in this state by either common law or by express statutes upon such municipal court.

2.12.020 Violations bureau.

Mossyrock may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Mossyrock municipal court shall designate the specific traffic offenses and traffic infractions under city or town ordinances which may be processed by the violations bureau. The violations bureau is authorized to process traffic infractions in conformity with Chapter 46.63 RCW.

2.12.030 Appointment of judge.

The Municipal Judge or Judges shall be appointed by the City Mayor. Subsequent appointments or re-appointments shall be made on or before December 1st of the year next proceeding the year in which the term is to commence. The Municipal Judge shall serve a term or terms consistent with RCW 3.50.040. Any vacancy in the municipal court due to death, disability, or resignation of a 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 by law.

2.12.040 Pro tem appointments.

The municipal court judge shall appoint judges pro tem when necessary for the administration of justice and accomplishment of the work of the court, which judge pro tem shall have the same qualifications as the judge of the municipal court.

2.12.050 Salary of judge, Payment of Court Operating Costs.

All costs of operating the municipal court, including but not limited to salaries court employees, dockets, books of records, forms, furnishings, and supplies, shall be paid wholly out of the funds

received by the City of Napavine pursuant to the Interlocal Agreement with City of Mossyrock. Other terms of service may be set by separate agreement. The salary of the municipal court judge shall be as established in the annual budget of the city of Mossyrock. A reduction in the salary of the municipal court judge shall be made in such amount paid for the service of any judge pro tem.

2.12.060 Hours in session.

The municipal court shall be open and shall hold regular sessions on such days and during such hours as the municipal court judge shall prescribe, but shall not be less than twice each month.

2.12.070 Pleadings, practice, and procedures.

Pleadings, practice, and procedures 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, including Chapter 3.50 RCW, or as may hereafter be adopted as governing the pleadings, practice, and procedures applicable to courts of limited jurisdiction.

2.12.080 Operated and governed by.

The Municipal Court of the city of Mossyrock shall operate and be governed by the mandates of RCW 3.50 et seq., as now in force and hereafter amended.

2.12.090 Sentencing.

The Judge shall have the broadest authority and greatest discretion consistent with the Mossyrock Municipal Code and applicable 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 Judge shall be guided by applicable State law, including but not limited to RCW 3.50.300 through 3.50.340 and 3.50.440.

2.12.100 Effective date.

The ordinance codified in this chapter shall become effective on the 1st day of July, 2023.

Section 2. Repealer. Ordinance No. 139, as codified at Chapter 2.12 of the Mossyrock Municipal Code ("MMC"), enacted December 11, 1980, is hereby repealed in its entirety.

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 4. Effective Date. This Ordinance shall take effect five (5) days after its publication, or publication of a summary therefore, in the City's official newspaper, or as otherwise provided by law.

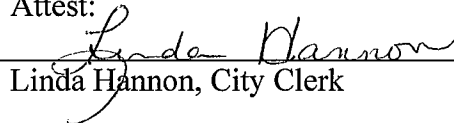
Section 5. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Mossyrock, Washington, and **APPROVED** by the Mayor of the City of Mossyrock at a regularly scheduled open public meeting thereof, this 21st day of June, 2023.



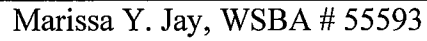
Randall Sasser, Mayor

Attest:



Linda Hannon, City Clerk

Approved as to form:



Marissa Y. Jay, WSBA # 55593
City Attorney

Approved Reading:	<u>6/21/2023</u>
Publication Date:	<u>6/28/2023</u>
Effective Date:	<u>7/5/2023</u>