LMCLR AR1.1
APPEALS

Purpose: Certain statutes and ordinances vest the Municipal Court with the authority to hear appeals. This Rule sets forth the procedure for hearing and decision regarding such appeals. This Rule is intended to provide for the expeditious consideration of timely filed notices of appeal. Where such statutes and ordinances are silent, the Court interprets such statutes and ordinances to mandate no more than a due process hearing to guarantee the appellant a fair opportunity to understand the basis for the proposed action and offer argument against such action. The minimum due process hearing is therefore comparable to the brief adjudicative proceeding set forth in RCW 34.05.485.

1) Timeliness. The appeal must be filed with the Court and a copy filed with the City Attorney within the timeframe set forth by statute or ordinance, and accompanied by any applicable filing fee. An untimely appeal shall be dismissed summarily.

2) The notice of appeal must contain a short and plain statement of the basis of the appeal together with any documents, photographs, or other exhibits in support of the appeal. A notice of appeal which does not include a short and plain statement of the basis of the appeal shall not be accepted. The Court clerk will advise the appellant of the deficiency and require the appeal to be perfected within ten days. An incomplete notice of appeal will be summarily dismissed.

3) Upon receipt of a properly filed notice of appeal, the Court will set the matter for hearing on the next available contested infraction calendar. At the appeal hearing, the City and the Appellant will each be given five minutes to make an oral argument. No testimony will be received. Documents, photographs, affidavits, and other offers of proof may be submitted if they are filed with the Court and served on the opposing party no less than five days before the appeal hearing. Upon a showing of good cause, the Court may set the matter over for the taking of testimony or other evidence.

4) The Court may make an oral ruling at the close of oral argument, or may take the matter under advisement. If the matter is taken under advisement, the Court will issue a written decision or set the matter for further hearing within 30 days.

5) Rules of Discovery do not apply in these proceedings. Any party may make a request for discovery in the context of a request to continue the appeal hearing. Such request shall be made on the record with an offer of proof as to the need for discovery. No discovery shall be ordered and no continuance shall be granted in the absence of a showing that a denial would deny the moving party due process of law.

6) Monetary Judgment. Where authorized by statute or ordinance, the Court will award monetary recoveries and costs upon timely application of a prevailing party. The parties shall note at the hearing whether they intend to seek a monetary recovery, and as part of its decision, the Court will make a determination whether such recoveries are allowed. In the event that such recoveries are awarded, and the prevailing party certifies that such recoveries have not been paid, the Court will certify the monetary award for enforcement as a civil judgment in accordance with RCW 3.66.020(10).

(Effective 09/01/12)