

Chapter 5 Magistrate Court

CHAPTER 5 MAGISTRATE COURT

Article 5-1 Magistrate Court Established: Jurisdiction

There is hereby established in the town a magistrate court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of state laws committed within the limits of the town.

Article 5-2 PRESIDING OFFICER

5-2-1 Town Magistrate

5-2-2 Assistance Town Magistrate

5-2-3 Powers and Duties

Section 5-2-1 Town Magistrate

A. The presiding officer of the magistrate court shall be the town magistrate, who shall be appointed by the council for a term of two (2) years. He shall receive such compensation as the council may from time to time direct by resolution.

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B. The magistrate shall be subject to removal from office for good cause, but only after a hearing held after providing a minimum of ten (10) days written notice. The written notice to the magistrate shall also state the grounds for possible removal to provide a full opportunity to be heard on all alleged grounds of removal.

C. Should a vacancy occur during any term, the Council shall appoint a new magistrate to serve for the unexpired portion of said term.

Section 5-2-2 Assistant Town Magistrate

The office of assistant town magistrate is hereby created. The assistant town magistrate shall be appointed by and shall serve at the pleasure of the council for such term and for such salary as the council may determine. He shall perform the duties of the town magistrate in the absence of the town magistrate.

Section 5-2-3 Powers and Duties

The powers and duties of the magistrate shall include:

A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the town.

B. The keeping of a docket in which shall be entered each action and a record of the proceedings of the court therein.

C. The responsibility for fixing and receiving all bonds and bails and receiving all finds, penalties, fees and other monies as provided by law.

D. Payment of all fees, fines, penalties and other monies collected by the court to the proper official as provided by law.

E. Submitting a monthly report to the council summarizing court activities for that month.

F. Preparation of a schedule of traffic violations, not involving the death of a person, listing specific bails for each violation.

G. Such other powers and duties as may be required to carry out the rules and regulations imposed on said court by the Supreme Court or the Legislature of the State of Arizona.

H. Fines; Collection; abatement: Any civil fine not paid within thirty (30) days after judgment shall constitute a lien against the real property of the defendant and may be filed with the county recorder's office. The town attorney may commence a separate legal action in town court to collect the fine. When the magistrate, special magistrate or limited special magistrate orders correction or abatement of a civil violation or civil infraction, and there is no compliance within thirty (30) days, such violation shall be deemed a public nuisance and the town attorney may seek injunctive relief in a court of competent jurisdiction. Any action taken under this section shall be in addition to any other remedies provided for in this Code. This section does not apply to civil traffic sanctions per Arizona Revised Statute Title 28.

Article 5-3 PROCEEDINGS of COURT

A. The court shall be open- for transaction of business on such days and during such hours as the council may from time to time direct by resolution or at such other times as the magistrate deems necessary to properly operate the court.

B. The proceedings shall be conducted in accordance with the State Constitution, the applicable state statutes and rules of the Arizona Supreme Court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules the Arizona Supreme Court or legislature shall impose on said courts from time to time.

C. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.

D. If the magistrate is satisfied that the offense' complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest, Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint.

Article 5-4 Hearing Officers in Civil Traffic Cases

The town council may appoint one or more hearing officers to preside over civil traffic violation cases when in its opinion the appointment of such hearing officers are necessary to assure prompt disposition of civil traffic violation *cases*. –Hearing officers may hear and. dispose of civil traffic violation cases under supervision of the presiding officer of the Superior Magistrate Court and their decisions are appeal-able to the Superior Court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.