

CHAPTER 5 MAGISTRATE (1)

Article 5-1 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the Town a Magistrate's 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 laws of the state committed within the limits of the Town.

Article 5-2 PRESIDING OFFICER

- 5-2-1 Town Magistrate
- 5-2-2 Powers and Duties of Town Magistrate
- 5-2-3 Hearing Officers
- 5-2-4 Associate Magistrate

Section 5-2-1 Town Magistrate

The presiding officer of the Magistrate's court shall be the Town Magistrate, who shall be appointed by the Town Council. The Magistrate may be removed by the Council only for cause during his/her term as Magistrate.

Section 5-2-2 Powers and Duties of Town Magistrate

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 statues, this code and the ordinances and resolutions of the Town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, 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 treasurer.
- E. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

(1) Section 22-402, *et.seq.*, A.R.S.

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- F. Designation of a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.
- G. Preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The magistrate shall designate a person, a specific location and the hours which such person will be at the locations to accept proper deposits for civil traffic violations for and on behalf of the court.

Section 5-2-3 Hearing Officers

The Town Council may appoint one or more hearing officers to preside over civil traffic violation cases when, in their 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 Clarkdale Magistrate Court which are appealable to the Superior Court pursuant to Title 22, chapter 2, article 4, Arizona Revised Statutes.

Section 5-2-4 Associate Magistrates (Revised by Ordinance #346 on 1/9/13, effective 2/8/13)

The Town Magistrate may appoint one or more individuals to serve as Associate Magistrate for the Magistrate Court. Upon appointment, Associate Magistrates shall be subject to the assignment and direction of the Town Magistrate. Associate Magistrates shall be appointed for a period of two (2) years with compensation to be determined by Council.

(1) *Section 22-402, et.seq., A.R.S.*

Article 5-3 PROCEEDINGS OF COURT

- 5-3-1 Proceedings
- 5-3-2 Trial by Jury

Section 5-3-1 Proceedings

- A. The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules or criminal procedure for the superior court, unless otherwise prescribed, and providing this code and resolution of the Town are not in conflict therewith.
- B. The Magistrate Court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to

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understand distinctly the character of the offense complained of and to answer the complaint.

- C. 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.

Section 5-3-2 Trial by Jury

The right of trial by jury shall be granted in all cases of such a nature as are triable before a jury at common law and under the constitution and laws of the state.

- A. Each juror for attendance in the magistrate's court shall be paid by the Town the sum of twelve dollars for each day or any part thereof actually in attendance.

(1) *Section 22-402, et.seq., A.R.S.*