

CHAPTER 5 MAGISTRATE

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CHAPTER 5 MAGISTRATE

ARTICLE 5-1 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the City 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 City is located of violation of laws of the state committed within the limits of the City.

ARTICLE 5-2 PRESIDING OFFICER

- 5-2-1 City Magistrate
- 5-2-2 Assistant City Magistrate
- 5-2-3 Powers and Duties of City Magistrate

Section 5-2-1 City Magistrate

The presiding officer of the magistrate's court shall be the City magistrate, who shall be appointed by and shall serve at the pleasure of the Council.

Section 5-2-2 Assistant City Magistrate

The office of assistant City Magistrate is hereby created. The assistant City Magistrate may 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 City Magistrate in the absence of the City Magistrate in such manner as the Council may direct.

Section 5-2-3 Powers and Duties of City Magistrate

The powers and duties of the City 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 City.
- 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, except for monies collected on behalf of the State of

Arizona, which monies shall be paid directly to the appropriate State agency, except for monies collected on behalf of the State of Arizona in the form of surcharges, which monies shall be paid directly to the appropriate State agency.

- 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 bail for each violation.

ARTICLE 5-3 PROCEEDINGS OF COURT

- 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 of criminal procedure for the Superior Court, unless otherwise prescribed, and providing this code and resolutions of the City 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 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.

[Added Ord. 5-75]

ARTICLE 5-4 ADMINISTRATIVE FEES

Section 5-4-1 Disbursement of Fines and Administrative Fees

Fines and administrative fees collected by the Court shall be deposited into the General Fund with mandatory surcharges being disbursed into appropriate accounts.

Section 5-4-2 Administrative Fees

- A. The following fees shall be collected by the Court:

Warrant Fee
Suspension Fee
Show Cause Fee
Time Payment Fee or Extension Fee
Default Fee

- B. Warrant Fee - The Court shall collect a warrant fee for each warrant issued by the Court. Any person who has a warrant issued by the Court for failure to appear, failure to comply with a court order, or any other warrant from the bench shall be required to pay this fee to offset the cost of issuing and servicing the warrant.
- C. Suspension Fee - The Court shall collect a suspension fee for each suspension of a driver's license. Any person who has had a suspension issued by the Court for failure to pay a civil traffic fine or for any other reason shall be required to pay this fee to offset the cost of issuing and servicing the suspension.
- D. Show Cause Fee - The Court shall collect a fee on each Order To Show Cause unless the defendant can show that compliance with the relevant court order was satisfied.
- E. Time Payment Fee - In addition to any other assessment authorized by law, the Court shall collect a time payment fee or time payment extension fee from any person who pays a court ordered penalty, fine, or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments.
- F. Default Fee - The Court shall collect a default fee for each default judgment entered on a civil traffic violation when the person cited failed to respond to the citation or summons.

Section 5-4-3 Enforcement

If a person has been found to be indigent, the Court may reduce the amount of any fee based upon the individual's ability to pay.

The Court may contract with a collections agency to collect outstanding fines and administrative fees.

In addition to any other remedy available at law, the City Attorney is authorized to institute legal proceedings to recover fees incurred pursuant to this Article.

Section 5-4-4 Authority To Set Fee Amounts

The amount of each fee to be charged pursuant to this Article shall be set by the Presiding Magistrate of City Court who shall in writing inform the City Council of the established fees.

If the City Council desires a change in the fee schedule submitted by the Court, the Council shall request the Presiding Magistrate to submit a revised fee schedule.

[Added Ord. 474-04]