

**Chapter 5**

**MAGISTRATE COURT**

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- 5-1 Magistrate Court  
Established; Jurisdiction**
- 5-2 Presiding Officer**
- 5-3 Proceedings of the  
Magistrate Court**
- 5-4 Personnel Policy Manual**

**Article 5-1 Magistrate Court  
Established; Jurisdiction**

**Sections:**

- 5-1-1 Established; Jurisdiction**

**Section 5-1-1 Established;  
Jurisdiction**

There is hereby established in the city a municipal court which shall have jurisdiction over all violations of this code and all other codes adopted by the city council, and concurrent jurisdiction with justices of the peace of precincts in which the city is located over violation of laws of the state committed within the limits of the city. The municipal court is established pursuant to the Arizona Constitution and A.R.S. § 22-402. (Ord. 06-106 § 1)

**Article 5-2 Presiding Officer**

**Sections:**

- 5-2-1 City Magistrate**
- 5-2-2 Assistant City Magistrate**
- 5-2-3 Powers and Duties of City  
Magistrate**
- 5-2-4 Hearing Officer**

**Section 5-2-1 City Magistrate**

The presiding officer of the magistrate court shall be the city magistrate who shall be appointed by the council. The city magistrate

shall serve a term of two years with the beginning and end of the term to be specified at the time of appointment. During such term, the magistrate may be removed only for cause.

**Section 5-2-2 Assistant City  
Magistrate**

The assistant city magistrate shall be appointed by the council. He shall perform the duties of the city magistrate in the absence of the city magistrate in such manner as the council may direct. The assistant city magistrate shall serve a term of two years, with the beginning and end of the term to be specified at the time of appointment. During such term, the assistant city magistrate may be removed only for cause.

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

finer, 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. 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.

G. Administration of the personnel policy manual adopted by the council for city employees unless different personnel rules and regulations are adopted by the council for the court. (Ord. 07-120 § 1)

#### **Section 5-2-4 Hearing Officer**

The 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 is necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases which are appealable to the superior court. Hearing officers shall be supervised by the presiding officer of the Litchfield Park magistrate court.

#### **Article 5-3 Proceedings of the Magistrate Court**

##### **Sections:**

- 5-3-1 Proceedings**
- 5-3-2 Court Enhancement Fund**
- 5-3-3 Bail**

#### **Section 5-3-1 Proceedings**

A. The proceedings of the magistrate court 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, when applicable.

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 city magistrate is satisfied that the offense complained of has been committed by the person charged, he or she shall issue a summons or a warrant for arrest. Before issuing a summons or warrant for arrest on a complaint, the city magistrate may subpoena and examine witnesses as to the truth of the complaint. (Ord. 04-97 § 1)

#### **Section 5-3-2 Court Enhancement Fund**

A. There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological and operation capabilities of the magistrate court, including, but not limited to, the operation of the judicial collection program.

B. The court enhancement fund shall be funded by the following:

1. A court enhancement fee/defendant fee in the amount of fifty-six dollars per charge.
  2. A minimum default fee of twenty-five dollars, or as determined by the city magistrate.
  3. Checks returned to the court for non-sufficient funds in the amount of thirty-five dollars.
  4. Bond forfeitures that are not applied to fines.
  5. Any deferred prosecution program per plea stipulation may have a fee not to exceed one hundred dollars.
  6. A marriage license fee of five dollars.
- Pursuant to A.R.S. § 22-404(E), the fees shall be assessed to defendant's charges

against whom a sanction, fine, penalty, forfeiture, or diversion is entered including authorized defensive driving courses.

C. The court enhancement fund established herein shall be maintained as a separate account with the city. The court shall collect a court enhancement fee, and/or default fee, nonsufficient funds, and/or bond forfeiture, and deposit them in the court enhancement fund account. The monies in the fund shall be invested in the same manner as other city funds. Interest earned on fund monies shall be deposited in the fund and any balances remaining in such account at the end of the fiscal year shall carry over into the subsequent fiscal year.

D. The magistrate court shall administer the fund and may make expenditures from the fund for the purpose provided in this section. Monies from the fund shall supplement monies already provided to the magistrate court for the general purposes stated in this section.

E. The magistrate court shall annually submit to the mayor, city council, and city manager a report detailing the amount of money collected and expended during the fiscal year and the progress made in court enhancement. (Ord. 08-138 § 1; Ord. 06-118 § 1; Ord. 05-101 § 1; Ord. 04-97 § 1)

### **Section 5-3-3 Bail**

The defendant, at any time after arrest and before conviction, shall be admitted to bail if bailable. (Ord. 04-97 § 1)

### **Article 5-4 Personnel Policy Manual**

The personnel policy manual adopted by the council for city employees pursuant to Section 3-3-1 shall be the personnel policy manual for the court unless different personnel rules and regulations are adopted by the council for the court. (Ord. 07-120 § 1)