

ORDINANCE 19-91

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AMENDING THE TOWN CODE BY DELETING CHAPTER 5 MAGISTRATE AND ADOPTING A NEW CHAPTER 5 MUNICIPAL COURT CONTAINING ARTICLE 5-1 MUNICIPAL COURT ESTABLISHED; JURISDICTION, ARTICLE 5-2 PRESIDING OFFICER, ARTICLE 5-3 PROCEEDINGS OF THE COURT, ARTICLE 5-4 COURT CLERK AND ARTICLE 5-5 TOWN PROSECUTOR AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 5 entitled Magistrate of the Town Code of the Town of Queen Creek is hereby repealed.

Section 2. That the Town Code of the Town of Queen Creek is hereby amended by the adoption of a new chapter 5 entitled Municipal Court and reading as follows:

CHAPTER 5 MUNICIPAL COURT

ARTICLE 5-1 MUNICIPAL COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a municipal 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. The court shall be known as the Queen Creek Municipal Court and may be located either within or without the corporate limits of the town.

ARTICLE 5-2 PRESIDING OFFICER

- 5-2-1 Judge
- 5-2-2 Powers and Duties of Judge
- 5-2-3 Hearing Officers

Section 5-2-1 Judge

The presiding officer of the municipal court shall be the presiding judge who shall be appointed by the council for a two-year term. During such term, the magistrate may only be removed for cause.

Section 5-2-2 Powers and Duties of Presiding Judge

The powers and duties of the presiding judge shall include:

- A. The powers and duties set forth and conferred upon judges 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 the proceedings of the court therein.
- C. The fixing and receiving of all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. The payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. The submission of a periodic report to the council summarizing court activities for specified period.
- F. The preparation of a schedule of traffic violations not involving the death of a person, listing a suggested bail for each violation.
- G. The 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 the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.
- H. The preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The presiding judge shall designate a person, a specific location and the hours which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.
- I. The provision of such associate or substitute judges to perform duties in the absence of the presiding judge.

Section 5-2-3 HEARING OFFICERS

The town council may appoint one or more hearing officers to preside over civil traffic violation cases when the appointment of such hearing officers are deemed 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 Queen Creek Municipal Court which are appealable to the Superior Court pursuant to the Arizona Revised Statutes.

ARTICLE 5-3 PROCEEDINGS OF COURT

A. The municipal 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.

- B. If the presiding judge 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 presiding judge may subpoena and examine witnesses as to the truth of the complaint.

ARTICLE 5-4 COURT CLERK

The town council may by intergovernmental agreement provide for the use of an existing court clerk who shall perform all of the duties of a court clerk subject to the overall supervision of the presiding judge.

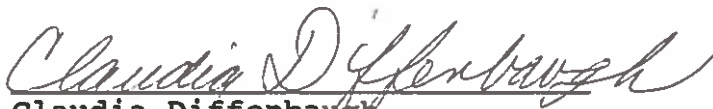
ARTICLE 5-5 TOWN PROSECUTOR

The town attorney shall serve as the town prosecutor and will represent the state or the town in all contested matters and in all other matters where representation is requested or required by the town council, the presiding judge or by law.

Passed and adopted this 16th day of October, 1991 by the Mayor and Common Council of the Town of Queen Creek, Arizona.


Mark Schnepf
Mayor

ATTEST TO:


Claudia Diffenbaugh
Town Clerk

APPROVED AS TO FORM:


William E. Farrell
Town Attorney

REVIEWED BY:


Michael J. McNulty
Town Administrator