

ORDINANCE NO. 778-21

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWN OF QUEEN CREEK, ARIZONA, DELETING AND
REPLACING CHAPTER 5 MUNICIPAL COURT OF THE
TOWN CODE; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; AND PROVIDING FOR AN
EFFECTIVE DATE FOR THE CODE REVISIONS OF
JANUARY 11, 2022.**

WHEREAS, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Queen Creek ("Town") and its residents; and

WHEREAS, A.R.S. § 22-402 authorizes the Town to establish a municipal court; and

WHEREAS, A.R.S. § 22-402(C), authorizes enter into a contract or agreement with a justice court and/or municipal court in lieu of establishing its own municipal court; and

WHEREAS, A.R.S. § 11-952 *et seq.*, authorizes the Town Council to establish an intergovernmental agreement ("IGA"); and

WHEREAS, the Town has an IGA with Maricopa County for court services to protect, enhance and promote the health, safety and welfare of the Town and its residents; and

WHEREAS, A.R.S. § 9-240, *et seq.*, authorizes the Town Council to regulate the functions of the Town; and

WHEREAS, A.R.S. § 9-240(B)(28) authorizes the Town Council to make, amend or repeal all ordinances and enforce the observance of such ordinances in the discretion of the magistrate or court; and

WHEREAS the Code revisions set forth in the attached Exhibit 1 included as part of this Ordinance provide for appropriate court enforcement of the Town Code;

WHEREAS the Mayor and Council have determined that the revisions to Chapter 5 of the Town Code set forth in this Ordinance should take effect commensurate with the Queen Creek Police Department assuming responsibility for enforcement of the portions of the Town Code under its jurisdiction on January 11, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Queen Creek as follows:

Section 1. The Queen Creek Town Code, Arizona Chapter 5 Municipal Court is deleted in its entirety and replaced in its entirety by **Exhibit 1** entitled "**CHAPTER 5 Courts**" attached to this Ordinance and incorporated in full herein as part of this Ordinance.

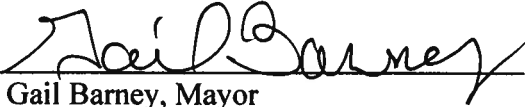
Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinances or any part of the Queen Creek Town Code adopted herein are hereby repealed, effective as of the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance and the Queen Creek Town Code provisions and revisions adopted herein shall become effective on January 11, 2022.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek this 1st day of December, 2021.

FOR TOWN OF QUEEN CREEK:


Gail Barney, Mayor

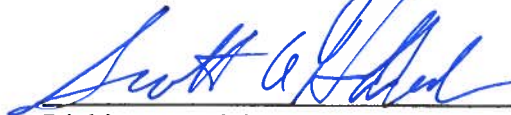
ATTESTED TO:


Maria Gonzalez, Town Clerk

REVIEWED BY:


John Kross, ICMA-CM
Town Manager

APPROVED AS TO FORM:


Dickinson Wright PLLC
Town Attorneys

4861-1246-0292 v2 [53749-44]

CHAPTER 5 COURTS

ARTICLE 5-1 Authority; Jurisdiction

Section 5-1-1 General Authority

The Town has the authority to establish a municipal court in accordance with A.R.S. § 22-402 and the Town's common council has power within the limits of the Town to enforce the observance of ordinances of the Town in accordance with A.R.S. § 9-240.

Section 5-1-2 Jurisdiction

In lieu of establishing a municipal court, a court of jurisdiction over the Town may be established by intergovernmental agreement in accordance with A.R.S. § 11-952, *et seq.* and the Town may enter into a contract or agreement with a justice court and/or municipal court in accordance with A.R.S. § 22-402(C) to conduct hearings concerning civil and criminal adult and juvenile violations of the Queen Creek Town Code ("Court of Jurisdiction").

ARTICLE 5-2 Rules and Procedures

Section 5-2-1 Juvenile Rules and Procedures

The Court of Jurisdiction shall utilize the rules for juvenile Code violations cited by the Justice Court using its normal processes and procedures, subject to Arizona law, the Arizona Rules of Civil Procedure, the Arizona Rules of Criminal Procedure, and the laws established in A.R.S. §§ 8-201 through 8-422.

Section 5-2-2 Civil and Criminal Traffic Rules and Procedures

The Court of Jurisdiction shall utilize the Civil and Criminal Traffic rules for Code violations cited by the Justice Court using its normal processes and procedures, subject to Arizona law, and the laws the rules established in A.R.S. §§ 28-1501, *et seq.*

Section 5-2-3 Civil Infraction Rules

The Court of Jurisdiction shall utilize the rules for Code violations cited by the Justice Court using its normal processes and procedures, subject to Arizona law.

Section 5-2-4 Criminal Rules

The Court of Jurisdiction shall utilize the rules for adult criminal Code violations cited by the Justice Court using its normal processes and procedure, subject to Arizona law, the Arizona Rules of Civil Procedure, the Arizona Rules of Criminal Procedure, and the laws the Arizona and all applicable statutes found in Title 13 of Arizona Revised Statutes.

ARTICLE 5-3 Hearing Officers

Section 5-3-1 Appointment

The Town may appoint one or more hearing officers, by IGA or other agreement to preside over code enforcement violation proceedings when the appointment of such hearing officers is deemed necessary to assure prompt disposition of Town Code enforcement cases ("Hearing Officer"). A Court of Jurisdiction may also act as a hearing officer.

Section 5-3-2 Authority

The Hearing Officers shall have the authority to hear proceedings to impose civil penalties in accordance with Queen Creek's Town Code and Zoning Ordinances, and other applicable statutes, regulations and laws. Hearing Officers may also hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Town's Court of Jurisdiction which are appealable to the Superior Court pursuant to the Arizona Revised Statutes.

Section 5-3-3 Rules and Procedures

The Hearing Officer shall utilize the applicable rule and procedures adopted by the Court of Jurisdiction for Civil Infractions unless the Town administratively adopts alternative procedures.

4881-4256-8196 v2 [53749-44]