

ORDINANCE NO. 24-05

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF HAYDEN, ARIZONA, AMENDING THE
TOWN CODE CHAPTER 2.48 MAGISTRATE COURT**

WHEREAS, The Mayor and Town Council deem it necessary to periodically update the Town Code and adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Hayden and its residents, and

WHEREAS, The Mayor and Town Council desire to update the Hayden Town Code Article 2.48 Magistrate Court, and

WHEREAS, the Town Magistrate Court Ordinances have not been updated in many years and there have been many changes in the operation of magistrate courts in Arizona by the Arizona Supreme Court directives and changes in the State laws that govern magistrate courts.

NOW THEREFORE, BE IT ORDAINED The Mayor and Town Council of the Town of Hayden, Arizona, as follows:

SECTION 1. Article 2.48 of the Hayden Town Code - Town Magistrate is repealed in it's entirety. Article 2.48 of the Town Code is hereby added as follows:

Title 2

ADMINISTRATION AND PERSONNEL

CHAPTER 2.48 MAGISTRATE COURT

SECTIONS:

2.48.010: Established; Jurisdiction

2.48.011: When and Where Held

2.48.020: Magistrate/Presiding Officer; Appointment

2.48.021: Deputy Town Magistrate

2.48.022 Civil Traffic Hearing Officers

2.48.023: Magistrate, Deputy And Hearing Officer Requirements

2.48.030: Powers And Duties

2.48.040: Proceedings

- 2.48.041: Trial By Jury
- 2.48.042: Compensation Of Jurors
- 2.48.050: Compensation
- 2.48.051: Jail Cost Recovery Fee
- 2.48.052: Court Warrant Administrative Fee
- 2.48.053: Court Deferred Prosecution Fee
- 2.48.060: Payment Of Fines And Fees By Credit Or Debit Card

2.48.010: ESTABLISHED; JURISDICTION:

There is established in the Town a Magistrate Court. This Court shall have exclusive jurisdiction of all criminal, civil traffic, and/or all other violations of this Code and other ordinances of the Town, and concurrent jurisdiction with justices of the peace of precincts in which the Town is located of all criminal and/or civil traffic and/or all other violations of laws of this state committed within the Town limits.

2.048.011: WHEN AND WHERE HELD:

The Town Council shall provide a suitable place for the Magistrate Court to hold its sessions and the Court shall be opened for transaction of business on such days and during such hours as the Town Magistrate may designate and/or otherwise notice, and/or during such hours as the Town Council may from time to time by resolution direct.

2.48.020: MAGISTRATE/PRESIDING OFFICER; APPOINTMENT:

A. Appointment; Term: The presiding officer of the Magistrate Court shall be the Town Magistrate. The Mayor and Town Council shall appoint the Town Magistrate. The Town Magistrate shall serve a term of two (2) years unless sooner removed for cause by the Arizona Supreme Court. The term of two (2) years shall begin on the date that the Town Magistrate is appointed.

B. Intergovernmental Agreement For Court Services: The Town may enter into an intergovernmental agreement for municipal Court services pursuant to Arizona Revised Statutes § 22-402.

2.48.021: DEPUTY TOWN MAGISTRATE:

In the case of a vacancy in the office of Town Magistrate or if the Town Magistrate is unable to serve, as well as for those times when the Town Magistrate is temporarily unavailable due to vacation, training or illness, the presiding officer of the Magistrate Court shall be the Deputy Town Magistrate. The Deputy Town Magistrate shall be appointed by the Mayor and Town Council as needed and shall serve, in the case of a vacancy, until such time as a new Town Magistrate has been appointed, otherwise, for the period of time during which the Town Magistrate is unable to serve, as well as for those times when the Town Magistrate is temporarily unavailable due to vacation, training or illness.

2.48.022: CIVIL TRAFFIC HEARING OFFICERS:

A. Council Authority To Appoint; Duties Of Hearing Officer: The Town Council may, from time to time, appoint civil traffic hearing officers for limited terms to preside over civil traffic violation cases when, after having been fully briefed by the Town Magistrate with respect to that office's procedures, workload, etc., it appears that the appointment of such civil traffic hearing officer(s) is necessary to assure prompt disposition of civil traffic violation cases. Civil traffic hearing officers may hear and dispose of civil traffic violation cases under the supervision of the presiding officer of the Town of Hayden Magistrate Court. Civil traffic hearing officers' dispositions of such civil traffic violations are appealable to the superior Court pursuant to Arizona Revised Statutes § 22-425.

B. Town Magistrate Act As Hearing Officer: If, in the Town Council's opinion, or Town Magistrate's opinion, no civil traffic hearing officers need be appointed, then and in such case, the Town Magistrate shall act as a civil traffic hearing officer and shall dispose of all civil traffic violation cases pending before the Town Magistrate Court.

C. Advertise For Applications: If the Town Council chooses or needs to advertise, as it deems appropriate, to fill the position of civil traffic hearing officer, the application period shall be as from time to time may be set by the Town Council. Applications may be made available through the Town clerk and must be presented to the Town Clerk for consideration by the Town Council.

2.48.023: MAGISTRATE, DEPUTY AND HEARING OFFICER REQUIREMENTS:

A. Town Magistrate Position Requirements: In order to serve in the position of Town Magistrate, a person must meet the following requirements:

1. The Town Magistrate shall be required to establish residency within twenty- five (25) miles of the corporate limits of the Town of Hayden within one year of appointment and to maintain residency within twenty- five (25) miles of the Town of Hayden corporate limits for the duration of employment by the Town.

2. Such person must have attained the age of twenty- one (21) years.

3. Such person must be of good moral character.

4. Such person, before assuming office shall receive orientation from an experienced Magistrate and shall attend the orientation program for Magistrates of Courts of limited

jurisdiction offered by the Arizona Supreme Court. In addition, such person shall comply with all other educational requirements set forth in the current "Arizona Supreme Court Administrative Guidelines For Judicial Education In Arizona".

B. Deputy Town Magistrate Position Requirements: In order to serve in the position of deputy Town Magistrate, a person must meet the following requirements:

1. Such person must have attained the age of twenty- one (21) years.
2. Such person must be of good moral character.

3. Such person, before assuming office, or as soon as practicable thereafter, shall receive orientation from an experienced Magistrate and shall attend the orientation program for Magistrates of Courts of limited jurisdiction offered by the Arizona Supreme Court. In addition, such person shall comply with all other educational requirements set forth in the current "Arizona Supreme Court Administrative Guidelines For Judicial Education In Arizona".

C. Hearing Officer Position Requirements: In order to serve in the position of hearing officer, a person must meet the following requirements:

1. Such person must have attained the age of twenty- one (21) years.
2. Such person must be of good moral character.

3. Such person must complete the Arizona Supreme Court approved course of instruction for civil traffic hearing officers prior to acting as a hearing officer.

2.48.030: POWERS AND DUTIES:

The Town Magistrate, Deputy Town Magistrate(s) and hearing officer shall have the powers and duties conferred upon them under the provisions of the constitution and statutes of the state, this code, and the ordinances and resolutions of the Town. They shall keep a docket in which shall be entered a copy of each case heard and determined by him/her, showing the name of the defendant, the proceedings had in the matter, and an abstract of the judgment entered, the sentence imposed, and the amount of the fine to be paid, if any. The Town Magistrate, Deputy Town Magistrate(s) and hearing officer shall personally fix and receive all bonds and bails and receive all fines, penalties, fees and other monies which may be provided by law to be collected or received by them. In the case of traffic violations not involving the death of a person, they shall prepare a list of the bail for each violation and designate a deputy to receive such bail when the Court is not open pursuant to Arizona Revised Statutes § 22-424. Further, the Town Magistrate, Deputy Town Magistrate(s) and hearing officer shall prepare a schedule of civil traffic violations, listing a specific deposit for each violation. The Town Magistrate, Deputy Town Magistrate(s) and hearing officer 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 pursuant to Arizona Revised Statutes § 22-424. The Town Magistrate, Deputy Town Magistrate(s) and hearing officer shall at least once each month pay over to the Town Clerk or treasurer all fees, fines, penalties and other monies collected by him/her since his/her last prior settlement with the Town Clerk or treasurer, and shall take the

treasurer's receipt therefor. The Magistrate shall make a written monthly report to the Town Council of all fines imposed and collected and of all sentences of imprisonment imposed and the terms and nature thereof.

2.48.040: PROCEEDINGS:

A. Filing Of Complaint: The Magistrate Court and/or civil traffic court proceedings shall be commenced by the filing of a complaint of the State, setting forth the offense charged, with 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 accordingly.

B. Compliance With Local, State And Federal Laws: The proceedings shall be conducted in accordance with the State and Federal Constitutions, and with the applicable State statutes pertaining to Magistrate and/or civil traffic courts and justice courts. The proceedings shall also be conducted in accordance with the "Rules Of Criminal Procedure For The Superior Courts" and/or according to the "Rules Of Civil Traffic Adjudication" and all other Rules of Procedure for Magistrate Courts as set forth by the Arizona Supreme Court, unless otherwise prescribed, and provided the ordinances and resolutions of the Town are not in conflict therewith.

2.48.41: TRIAL BY JURY:

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

2.48042: COMPENSATION OF JURORS:

Each juror for every day's attendance in the Magistrate Court shall be paid the sum of fifteen dollars (\$15.00) by the Town.

2.48.050: COMPENSATION:

A. The Town Magistrate and hearing officer(s) shall receive such compensation as the Mayor and Town Council set at the time of appointment.

B. The compensation of the Town Magistrate shall not be increased or decreased during the two (2) year term of office of the Town Magistrate.

C. The compensation of the Deputy Town Magistrate shall be determined by the Town Magistrate, but the total amount shall not exceed the budgeted amount approved by the Town Council. In the event of vacancy in the office of Town Magistrate or the Town Magistrate is unable to serve, the Mayor and Council shall determine the amount of compensation paid to the Deputy Town Magistrate, and in such event the compensation shall not be increased or decreased during individual periods of service of said officers.

D. The compensation of the hearing officer(s) shall not be increased or decreased during individual periods of service of said officers.

2.48.51: JAIL COST RECOVERY FEE:

A. Any person who is convicted of a misdemeanor criminal offense in the Town Court, and who, as a consequence, is sentenced to a term of incarceration in the county jail or any other detention facility authorized by law, shall pay a jail cost recovery fee to reimburse the Town for its actual expenses incurred by reason of such confinement.

B. A Town Magistrate may waive all or a portion of the jail cost recovery fee set forth in subsection A of this section after finding the convicted person has a substantial financial hardship or is indigent based on sworn affidavits.

C. If the prisoner pays some or all of his or her fine, surcharges, restitution or other fees over time, the jail cost recovery fee shall be collected prior to the payment of any fine, surcharges or other fees except restitution.

2.48.52: COURT WARRANT ADMINISTRATIVE FEE:

A. When the Magistrate of the Town Court issues a warrant for noncompliance with Court orders, failure to pay a fine, failure to pay restitution or failure to pay any other fees, the Magistrate shall impose an administrative fee, effective June 14, 2001, in the amount of seventy dollars (\$70.00) or as otherwise amended upon the person for whom the arrest warrant is issued; and this fee shall be added to the amount set forth in the arrest warrant.

B. The Town Magistrate may waive all or a portion of the administrative fee set forth in subsection A of this section when in the Magistrate's opinion such waiver would be in the interest of Magistrate or after finding the person has a substantial financial hardship or is indigent based on sworn affidavits of the person.

C. If the person pays some or all of his or her fine, surcharges, restitution or other fees over time, the warrant administrative fee shall be collected prior to the payment of any fine, surcharges or other fees except restitution, the jail cost recovery fee, as established in Section 2.48.051 of this Article.

2.48.53: COURT DEFERRED PROSECUTION FEE:

A. A deferred prosecution fee, effective June 14, 2001, in the amount of twenty-five dollars (\$25.00) shall be imposed on each criminal charge for which the Court defers prosecution pursuant to rule 38 of the Arizona rules of criminal procedure (or its substitute).

B. The Town Magistrate may waive all or a portion of the fee set forth in subsection A of this section when in the Magistrate's opinion such waiver would be in the interest of Magistrate or after finding the person has a substantial financial hardship or is indigent based on sworn affidavits of the person.

2.48.60: PAYMENT OF FINES AND FEES BY CREDIT OR DEBIT CARD:

A. The Magistrate Court may accept a credit card, debit card, charge card, electronic transfer or other means as approved by the Supreme Court or the Presiding Magistrate for the payment of any monies payable to the Court including, but not limited to, filing fees, bonds, fines, fees, sanctions, penalties, surcharges, assessments and restitution.

B. The Magistrate Court may impose a convenience fee for payment made pursuant to this action.

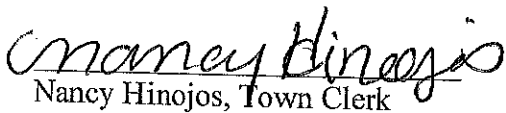
C. For the purposes of this action, "convenience fee" means an additional fee that is imposed by the Magistrate Court or an authorized agent for the acceptance of monies by the Court.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of Hayden, Arizona, by a majority of the members present and voting this 21 day of October 2024.



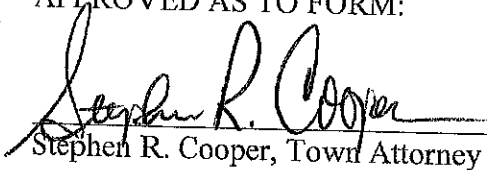
Dean Hetrick, Mayor

ATTEST:



Nancy Hinojos, Town Clerk

APPROVED AS TO FORM:



Stephen R. Cooper, Town Attorney