

**CHAPTER 5
MAGISTRATE**

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**CHAPTER 5
MAGISTRATE**

ARTICLE 5-1 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the City of Page a Magistrate's Court. The Page Magistrate Court shall be the judicial branch of the City of Page. The Court shall have jurisdiction over civil traffic, criminal traffic and criminal misdemeanor offenses, as well as, violations of the City Code and other adopted ordinances. In addition, the Magistrate Court shall have authority to issue arrest/search warrants, orders of protection, and injunctions against harassment. [Amended Ord. 619-14]

The Page Magistrate Court shall be governed by the authority and administrative supervision of the Arizona Supreme Court. [Amended Ord. 619-14]

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

Council shall appoint a presiding Magistrate Judge who shall serve as an officer of the City per Section 3-1-1, Page City Code. The Magistrate Judge shall serve a two-year term. [Amended Ord. 619-14]

Section 5-2-2 Assistant City Magistrate

Council may appoint Assistant Magistrate Judges to conduct matters of the Magistrate Court. Assistant Magistrates shall serve a two year term. The presiding Magistrate Judge will determine how to utilize the services of Assistant Magistrate Judges. [Amended Ord. 619-14]

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

The City Magistrate shall :

- A. Conduct matters of the Court consistent with authority granted by the Arizona Supreme Court, the Arizona Constitution, Arizona Revised Statutes, rulings of the Arizona Supreme Court and courts of appeals, rules and regulations promulgated by Arizona authorities, the Page City Code, and Page City Ordinances. [Amended Ord. 619-14]

- B. Keep a docket memorializing each action and the proceedings of the Court therein. [Amended Ord. 619-14]
- C. Receive all bonds, bails, fines, restitution, surcharges, fees and other monies as provided by law. [Amended Ord. 619-14]
- D. Remit all fees, fines, restitution, surcharges, and other monies collected by the Court to the City Finance Department for distribution to state and county agencies. [Amended Ord. 619-14]
- E. Submit a monthly financial report to the Council summarizing the Court's collections for that month. [Amended Ord. 619-14]

ARTICLE 5-3 PROCEEDINGS OF COURT

- A. Proceedings shall be conducted in accordance with the Arizona Constitution, Arizona Revised Statutes, rules of the Arizona Supreme Court and other applicable authorities. Proceedings shall also be conducted in accordance with the appropriate rules of Court, unless otherwise prescribed. [Amended Ord. 619-14]
- B. Proceedings shall be commenced by complaint or citation in the name of the State of Arizona setting forth the specific offense charged, including time, place, person, and succinct statement of the incident facts. [Amended Ord. 619-14]
- C. Proceedings after commencement may include Initial Appearance, Arraignment, Pretrial Conference, Pretrial Hearings, and other hearings authorized by law. Additional proceedings include Issuance of Arrest and Search Warrants, Orders to Show Cause, Injunctions against Harassment, and Orders of Protection. [Amended Ord. 619-14]

ARTICLE 5-4 ADMINISTRATIVE FEES

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

The Court shall remit all fees, fines, restitution, surcharges and other monies collected by the Court to the City Finance Department for distribution to state and county agencies. [Amended Ord. 619-14]

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 comply shall be required to pay this fee to offset the cost of issuing and servicing the warrant. [Amended Ord. 619-14]
- 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 compliance with the issued court order. [Amended Ord. 619-14]
- 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 who shall in writing inform the City Council of the established fees. [Amended Ord. 619-14]

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.