

ORDINANCE 53-05

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AMENDING THE TOWN OF BUCKEYE CODE, CHAPTER 5, SECTION 5-2-1, RELATED TO THE TOWN MAGISTRATE OF THE TOWN OF BUCKEYE.

WHEREAS, the Town Council deems it appropriate and necessary to amend Chapter 5, Section 5-2-1 of the Town Code relating to the Town Magistrate of the Town of Buckeye; and

NOW, THEREFORE, be it ordained by the Mayor and Town Council of the Town of Buckeye, Arizona, as follows:

Section 1. The Town Code of the Town of Buckeye, Chapter 5, Section 5-2-1, is hereby amended as follows, all other sections to remain the same (strike throughs are deletions from current code; all caps are additions):

Section 5-2-1. Town Magistrate.

- A. The presiding officer of the magistrate's court shall be the town magistrate, who shall be appointed by the council. The town magistrate shall serve a term of NOT LESS THAN two years, ~~beginning March 5, 1985.~~
- B. The term shall automatically terminate upon expiration of said ~~two-year period~~ THE LATER OF TWO YEARS OR THE TERM SET FORTH IN ANY EMPLOYMENT AGREEMENT BETWEEN THE TOWN AND THE MAGISTRATE, unless prior thereto the town council shall by a majority vote otherwise direct.
- C. [Remains unchanged]

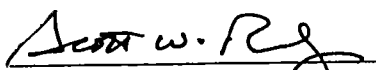
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Buckeye, Arizona, this 4th day of October 2005.


Dustin Hull, Mayor

ATTEST:


Lynda Garrison, Town Clerk

APPROVED AS TO FORM:


Scott W. Ruby, Town Attorney

ORDINANCE NO. 1-87

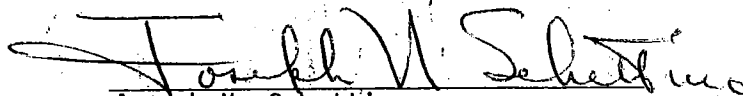
AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF BUCKEYE AMENDING SECTION 5-2-1A OF THAT CERTAIN DOCUMENT KNOWN AS THE BUCKEYE TOWN CODE.

BE IT ORDAINED by the Common Council of the Town of Buckeye, as follows:

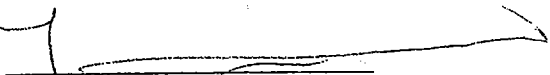
Section 5-2-1A of that certain document known as the Buckeye Town Code is amended to read as follows:

A. The presiding officer of the magistrate's court shall be the town magistrate, who shall be appointed by the Council. The town magistrate shall serve a term of two years.

PASSED AND ADOPTED by the Common Council of the Town of Buckeye, Arizona, this 20th day of January, 1987.


Joseph N. Schettino
Mayor

ATTEST:


Fred Carpenter
Town Clerk

APPROVED AS TO FORM:


Paul J. Faith
Town Attorney

CHAPTER 5 MAGISTRATE (1)

Article 5-1 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a magistrate's 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.

Article 5-2 PRESIDING OFFICER

- 5-2-1 Town Magistrate
- 5-2-2 Powers and Duties of Town Magistrate

Section 5-2-1 Town Magistrate

- A. The presiding officer of the magistrate's court shall be the town magistrate, who shall be appointed by the council. The town magistrate shall serve a term of two years, beginning March 5, 1985.
- B. The term shall automatically terminate upon expiration of said two-year period, unless prior thereto the town council shall by a majority vote otherwise direct.
- C. Nothing in this section shall change the town's right, after a due process hearing, to remove the magistrate for cause.

Sec. 5-2-2 Powers and Duties of Town 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 town.
- 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 fines, 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.

(1) Section 22-402, et. seq., A.R.S.

- 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.

Article 5-3 PROCEEDINGS OF COURT

- A. The proceedings 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, and providing this code and resolutions of the town are not in conflict therewith.
- 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 magistrate 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 magistrate may subpoena and examine witnesses as to the truth of the complaint.