

CHAPTER 4-12: CITATIONS AND COMPLAINTS

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4-12-010. **Cross Reference.**

Except as otherwise provided, the jurisdiction and procedure for the accusation, prosecution, conviction and punishment of offenders and offenses within the Justice Court shall be governed by the provisions set forth in the Woods Cross Criminal Code.

4-12-020. **Party Plaintiff.**

All actions brought to recover any fine or to enforce any penalty under an ordinance of the City shall be brought in the corporate name of the City as plaintiff.

4-12-030. **Corporate Violations.**

A corporation violating any City ordinance may be complained against the same as a natural person pursuant to the pleading and procedures set forth at *Utah Code Ann.* " 10-7-69, *et seq.*, as amended.

4-12-040. **Citation.**

Any peace officer, in lieu of taking a person into custody, or any City official charged with the enforcement of the laws of this City, may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor or infraction charge to appear at the court of the magistrate before whom the person could be taken pursuant to law if the person had been arrested.

4-12-050. **Contents of Citation.**

(a) If a citation is issued pursuant to this Chapter, the peace officer or City official shall issue one (1) copy to the person cited and shall within five (5) days, file a duplicate copy with the court specified in the citation.

(b) Each copy of the citation issued under authority of this Chapter shall contain:

- (1) The name of the court before which the person is to appear.
- (2) The name of the person cited.
- (3) A brief description of the offense charged.
- (4) The date, time and place at which the offense is alleged to have occurred.
- (5) The date on which the citation was issued.

(6) The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate.

(7) The time and date on or before and after which the person is to appear.

(8) The address of the court in which the person is to appear.

(9) A certification above the signature of the officer issuing the citation in substantially the following language: "I certify that a copy of this citation or information (Summons and Complaint) was duly served upon the defendant according to law on the above date and I know or believe and so allege that the above-named defendant did commit the offense herein set forth contrary to law. I further certify that the Court to which the defendant has been directed to appear is the proper Court pursuant to Section 77-7-21, *Utah Code Annotated*, 1953, as amended."

(10) A notice containing substantially the following language:

READ CAREFULLY

This citation is not an information and will not be used as an information without your consent. If an information is filed, you will be provided a copy by the Court. You must appear in Court on or before the time set in this citation. IF YOU FAIL TO APPEAR AN INFORMATION WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

4-12-060. Proceeding on Citation.

(a) Whenever a citation is issued pursuant to the provisions of this Chapter, the copy of the citation filed with the magistrate may be used in lieu of an information to which the person cited may plead guilty or no contest and be sentenced or on which bail may be posted and forfeited. With the magistrate's approval, a person may voluntarily forfeit bail without appearance being required in any case of a Class B misdemeanor or less. Such voluntary forfeiture of bail shall be entered as a conviction and treated the same as if the accused pleaded guilty.

(b) If the person cited wilfully fails to appear before a magistrate pursuant to a citation issued under this Chapter, or pleads not guilty to the offense charged, or does not deposit bail on or before the date set for his or her appearance, an information shall be filed and proceedings held in accordance with the Rules of Criminal Procedure and all other applicable provisions of the *Utah Code Annotated* or these Ordinances, which information shall be deemed an original pleading; provided, however, that the person cited may by written agreement waive the filing of the information and thereafter the prosecution may proceed on the citation notwithstanding any provisions to the contrary.

4-12-070. Appearance.

(a) Any person receiving a misdemeanor citation shall appear before the Justice Court Judge designated in the citation on or before the time and date specified in the citation unless the uniform bail schedule adopted by the Judicial Council or *Utah Code Ann.* ' 77-7-21, as amended, permits forfeiture of bail for the offense charged. The citation may not require a person to appear sooner than five (5) days or later than fourteen (14) days following its issuance.

(b) Any person who receives a citation and who fails to comply therewith on or before the time and date and at the court specified is subject to arrest. The Justice Court Judge may issue a warrant of arrest.

(c) Except where otherwise provided by law, a citation issued for violations of Title 41 of the *Utah Code Annotated* shall state that the person receiving the citation shall appear before the Justice Court Judge who has jurisdiction over the offense charged. The Justice Court clerk and other administrative personnel shall ensure that the Justice Court has jurisdiction and venue over such citation and shall refuse to receive citations that should be filed in another court. Fines, fees, costs, and forfeitures imposed or collected for violations of Title 41 which are filed contrary to this Section shall be paid to the entitled municipality or county by the state, county, or municipal treasurer who has received the fines, fees, costs, or forfeitures from the court which collected them. The accounting and remitting of sums due shall be at the close of the fiscal year of the municipality or county which has received fines, fees, costs, or forfeitures as a result of any improperly filed citations.

4-12-080. Wilfully Failing to Appear.

Any person who wilfully fails to appear before the Justice Court pursuant to a citation issued under the provisions of this Chapter is guilty of a Class B misdemeanor, regardless of the disposition of the charge upon which he or she was originally cited.

4-12-090. Delivery of Prisoner Arrested Without Warrant.

(a) When an arrest is made without a warrant by a peace officer or private person, the person arrested shall be taken without unnecessary delay to the Justice Court Judge, except as provided in Subsection (c). An information stating the charge against the person shall be made before the Justice Court Judge.

(b) If the Justice Court Judge is not available, the arrested person shall be taken before the magistrate within Davis County who is nearest to the scene of the alleged offense or nearest to the jail under Subsection (c), who may act as committing magistrate for arraigning the accused, setting bail, or issuing warrants.

(c) If the arrested person under Subsection (a) must be transported from jail to a Justice Court Judge, the person may be taken before the magistrate nearest to the jail rather than the Justice Court Judge specified in Subsection (a) for arraignment, setting bail, or issuing warrants.

(d) The case shall then be transferred to the court having jurisdiction. This Section does not confer jurisdiction upon a court unless otherwise provided by law.

(e) Any officer or person violating this Section is guilty of a Class B misdemeanor.

4-12-100. Transfer of Case.

The Justice Court Judge may, upon the motion of either the defense attorney or prosecuting attorney, based on a lack of territorial jurisdiction or the disqualification of the Judge, transfer cases to the nearest justice court or the nearest district court within Davis County.

4-12-110. Bail Forfeiture.

With the approval of the Justice Court and in accordance with the procedures set forth in Title 77 of the *Utah Code Annotated*, a person may voluntarily forfeit bail without appearance being required, in any case of a Class B misdemeanor or less. Such voluntary forfeiture of bail shall be entered as a conviction and treated the same as if the accused pleaded guilty.

4-12-120. Successive Actions Permitted.

Pursuant to *Utah Code Ann.* ' 10-7-65, as amended, no prosecution, recovery, or acquittal for the violation of any City ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance although the different causes of action existed at the same time and if united would not have exceeded the jurisdiction of the Justice Court.