

**TITLE 4**

**JUDICIAL CODE**

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**CHAPTER 4-01: GENERAL PROVISIONS**

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**4-01-010. Title.**

This Title shall be known as the Woods Cross City Judicial Code, hereinafter referred to as the "Judicial Code."

**4-01-020. Intent.**

It is the intent of the City Council that this Judicial Code comply with and be interpreted in accordance with the applicable provisions of the *Utah Code Annotated*, particularly Chapters 5 through 7 of Title 78, as amended, regarding the jurisdiction, venue, procedure and conduct of Justice Courts and Justice Court Judges, as well as the relevant portions of Title 77, as amended, regarding general criminal procedure for all courts.

**4-01-030. Conflict.**

If there is any conflict between the provisions of this Judicial Code and the *Utah Code Annotated*, as amended, the provisions of the *Utah Code* shall control.

**CHAPTER 4-03: JUSTICE COURT**

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- 4-03-320. Proceedings Unaffected by Vacancy.**
- 4-03-330. Repeated Application for Orders.**
- 4-03-340. Appeals.**

**4-03-010. Creation of Justice Court.**

There is hereby established a court within the City known as the Woods Cross City Justice Court which court shall not be a court of record, hereinafter referred to as the "Justice Court."

**4-03-020. Compliance with Minimum Requirements.**

The City shall comply with and meet the minimum requirements set forth by the Judicial Council for the creation and certification of the Justice Court in accordance with *Utah Code Ann.* ' 78-5-139, as amended.

**4-03-030. Territorial Jurisdiction.**

- (a) The territorial jurisdiction of the Justice Court extends to the corporate limits of the City.

(b) The territorial jurisdiction of the Justice Court functioning as a magistrate may extend beyond the boundaries in Subsection (a) as provided in *Utah Code Ann.* ' 78-7-17.5, as amended, and to the extent necessary to carry out magisterial functions under *Utah Code Ann.* ' 77-7-23, as amended, regarding jailed persons.

**4-03-040. Jurisdiction.**

(a) The Justice Court has criminal jurisdiction over Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction, except those offenses over which the juvenile court has exclusive jurisdiction.

(b) The Justice Court has jurisdiction of small claims cases under Title 78, Chapter 6 of the *Utah Code Annotated*, if the defendant resides in or the debt arose within the territorial jurisdiction of the Justice Court.

(c) The Justice Court has jurisdiction over traffic misdemeanors and infractions committed by persons 16 or 17 years of age that occur within the territorial jurisdiction of the Justice Court pursuant and subject to the provisions set forth in *Utah Code Ann.* ' 78-5-105, as amended.

**4-03-050. Trial Facilities.**

(a) The City shall provide adequate courtroom and auxiliary space for the Justice Court. The facility need not be specifically constructed for or allocated solely for the Justice Court if existing facilities adequately serve the purposes of the Justice Court.

(b) The Justice Court Judge shall hold Court in the City at the location designated by the City pursuant to Subsection (a) and shall conduct all official Court business in such location or an office located in a public facility which is conducive and appropriate to the administration of justice.

**4-03-060. Reference Materials.**

The City shall provide and keep current for the Justice Court a copy of the motor vehicle laws of Utah, appropriate copies of the *Utah Code Annotated*, the Justice Court Manual published by the State Court Administrator, State laws affecting local government, City ordinances, and other legal reference materials as determined necessary by the Justice Court Judge.

**4-03-070. Court Days.**

(a) Generally. The Justice Court is open and judicial business may be transacted on any day, except as otherwise provided.

(b) Closed. The Justice Court is closed on Sunday, on any day on which a general election is held, and on any legal holiday, provided however that judicial business may be transacted on such days for the following purposes:

- (1) To give, upon their request, instructions to a jury when deliberating on their verdict;
- (2) To receive a verdict or discharge a jury;
- (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; or

(4) Judicial business not involving a trial or hearing unless the Judge finds it necessary for the fair administration of justice.

**4-03-080. Hours of Business.**

The Justice Court shall be open and judicial business shall be transacted every day during regular business hours as provided by law. The hours the Justice Court is open shall be posted conspicuously at the Court and in local public buildings. The Justice Court Judge and clerk shall attend the Court at regularly scheduled times.

**4-03-090. Powers of the Justice Court.**

The Justice Court has the authority necessary to exercise its jurisdiction including, but not limited to, the authority to:

- (a) Preserve and enforce order in its immediate presence;
- (b) Enforce order in the proceedings before it, or before a person authorized to conduct a judicial investigation under its authority;
- (c) Provide for the orderly conduct of proceedings before it or its officers;
- (d) Compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in a pending action or proceeding;
- (e) Control in furtherance of justice the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it in every matter;
- (f) Compel the attendance of persons to testify in a pending action or proceeding, as provided by law;
- (g) Administer oaths in a pending action or proceeding, and in all other cases where necessary in the exercise of its authority and duties;
- (h) Amend and control its process and orders to conform to law and justice;
- (i) Devise and make new process and forms of proceedings, consistent with law, necessary to carry into effect its authority and jurisdiction;
- (j) Establish and adopt procedural process, in conformance with the apparent intent of statutes or rules of procedure, for actions in which such procedure is not yet established; and
- (k) Enforce rules of the Utah Supreme Court and Judicial Council.

**4-03-100. Public Proceedings.**

The sittings of the Justice Court are public, provided however that in any case, the Court may, in its discretion, during the examination of any witness, exclude any and all other witnesses in the case.

**4-03-110. English Language.**

Judicial proceedings in the Justice Court shall be conducted in the English language.

**4-03-120. Abbreviations and Numerals.**

Abbreviations as are in common use may be used, and numbers may be expressed by figures or numerals in the customary manner.

**4-03-130. Change of Place of Trial Because of Calamity.**

The Justice Court Judge may, by an order filed with the clerk and published as he or she prescribes, direct that the Justice Court be held or continued at any other place in the City than that appointed, when war, insurrection, pestilence or other public calamity, or danger thereof, or the destruction of or danger to the building appointed for holding court, may render it necessary, and may in the same manner revoke the order, and in his or her discretion appoint another place in the City for holding court.

**4-03-140. Seal.**

(a) Generally. The Justice Court shall have a seal which seal shall be approved by the Judicial Council.

(b) When Affixed. The Seal of the Justice Court need not be affixed to any document of the Court except to:

- (1) A writ;
- (2) The authentication of a copy of a record or document on file with the Justice Court;
- (3) The authentication of the signature of an officer of the Justice Court; and
- (4) Any other document as permitted by law.

**4-03-150. Process, Subpoenas and Warrants.**

(a) Process from the Justice Court may be issued to any place in the State.

(b) Subpoenas in any action or proceeding of the Justice Court may be issued to any place in the State.

(c) All warrants issued by the Justice Court for violation of any State law or local ordinance within the Court's jurisdiction shall be directed to the sheriff, any constable of the county, or to the City police.

**4-03-160. Juries.**

(a) Criminal actions before the Justice Court arising under City ordinances shall be tried and determined without a jury except when imprisonment may be made a part of the penalty.

(b) When a jury demand is made, a jury shall be impaneled by the same procedure as in the district courts.

**4-03-170. Docket.**

The Justice Court Judge shall keep or cause to be kept a docket containing information as required pursuant to *Utah Code Ann.* ' 78-5-122, as amended.

**4-03-180. Docket Entries as Prima Facie Evidence.**

Entries in the Justice Court Judge's docket, certified by the Justice Court Judge or his or her successor in office, are prima facie evidence of the facts stated.

**4-03-190. Docket Index.**

The Justice Court Judge shall keep or cause to be kept an alphabetical index to the names of the parties to each judgment in his or her docket with a reference to the page of entry. The names of the parties shall be entered in the index by the first letter of the family surname.

**4-03-200. Dockets as Public Records.**

The dockets kept or caused to be kept by the Justice Court Judge shall be kept as public records in accordance with the provisions of the Utah Government Records Access and Management Act, as adopted by the City.

**4-03-210. Monthly Reports.**

(a) The Justice Court Judge shall file monthly with the State Court Administrator a report of the judicial business of the Judge on forms supplied by the State Court Administrator.

(b) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.

(c) A copy of the report shall be furnished by the Justice Court Judge to the City Council or to such other person as the City Council may designate.

**4-03-220. Delivery of Docket and Papers to Successor.**

The Justice Court Judge, upon the expiration of term of office, shall deposit with his or her successor all dockets and papers filed in his or her office including those of any predecessors and those otherwise in his or her custody.

**4-03-230. Validity of Papers Issued.**

Every paper made or issued by the Justice Court Judge except a subpoena is valid only if issued without any blank space to be filled or completed by another person.

**4-03-240. Decisions to be Rendered.**

(a) The Justice Court Judge shall decide all matters submitted for final determination within two (2) months of submission, unless circumstances causing the delay are beyond the Judge's personal control.

(b) The Justice Court Judge shall follow reporting procedures established by the Judicial Council for all matters not decided within two (2) months of final submission.

**4-03-250. Filing and Docketing of Abstract.**

(a) The Justice Court Judge, on the demand of a party in whose favor judgment is rendered, shall provide the party with an abstract of the judgment in substantially the form approved by the Judicial Council.

(b) The abstract may be filed in the office of the clerk of the district court of any county in the State but shall be docketed in the judgment docket of that district court.

(c) The clerk shall note the time of receipt of the abstract on the abstract and on the docket.

**4-03-260. Execution on Judgment.**

From the time of the docketing in the office of the clerk of any district court, execution may then be issued within the same time, in the same manner, and with the same effect as if issued on a judgment of the district court.

**4-03-270. Judgment Not a Lien Unless So Docketed.**

(a) A judgment rendered in the Justice Court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located and contains the information set forth in *Utah Code Ann.* ' 78-5-119, as amended.

(b) When recorded, the judgment is a lien upon the real property of the judgment debtor for eight (8) years from the date the judgment was entered unless the judgment is earlier satisfied.

**4-03-280. Fees.**

Except as otherwise provided, all fees in connection with the Justice Court shall be assessed in accordance with the fee schedule adopted by resolution of the City Council. Except as otherwise provided by law, all fees shall be paid in advance.

**4-03-290. Deposit of Fines, Fees and Forfeitures.**

(a) The Justice Court shall deposit public funds in accordance with *Utah Code Ann.* ' 78-5-135 and *Utah Code Ann.* ' 51-4-2, as amended.

(b) The City Treasurer shall report to the City Recorder the sums collected and deposited. The Recorder shall then apportion and remit the collected proceeds as provided by law.

(c) With the approval of the City Council, a trust or revolving account may be established in the name of the Justice Court and the City Treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting. Disbursements from this account do not require the approval of the City Auditor, City Recorder, or City Council. The account shall be reconciled at least quarterly by the City Auditor.

**4-03-300. Remittal of Fines, Fees and Forfeitures.**

All fines and forfeitures collected by the Justice Court shall be remitted in accordance with the provisions of *Utah Code Ann.* ' 78-5-116, as amended.

**4-03-310. Disposition of Monies Received.**

Money received or collected on any process or order issued from the Justice Court shall be paid within seven (7) days to the party or parties entitled or authorized to receive the money.

**4-03-320. Proceedings Unaffected by Vacancy.**

No proceeding in the Justice Court in an action or special proceeding pending therein is affected by a vacancy in the office of the Judge or by the failure of a term thereof.

**4-03-330. Repeated Application for Orders.**

(a) If an application for an order to the Justice Court Judge is refused in whole or in part or is granted conditionally, a subsequent application for the same order may not be made to any other judge, except of a higher court.

(b) This Section does not apply to motions refused for any informality in the papers or proceedings necessary to obtain the order, or to motions refused with liberty to renew them.

(c) A notice of appeal for a trial de novo in the district court is not a subsequent application for the same order.

(d) A violation of this Section may be punished as a contempt, and an order made contrary thereto may be revoked by the judge who made it, or vacated by a judge of the court in which the action or proceeding is pending.

**4-03-340. Appeals.**

Either party may appeal a judgment rendered in the Justice Court to the District Court of Davis County by filing a notice of appeal in accordance with applicable statutes. The appeal to the District Court is a trial de novo as provided by law.



**CHAPTER 4-06: JUSTICE COURT JUDGE AND STAFF**

- 4-06-010. Justice Court Judge.**
- 4-06-020. Powers of Justice Court Judge.**
- 4-06-030. Powers of Judge Contradistinguished from Court.**
- 4-06-040. Eligibility.**
- 4-06-050. Appointment.**
- 4-06-060. Certification and Annual Training.**
- 4-06-070. Residence Requirement.**
- 4-06-080. Term and Vacancy.**
- 4-06-090. Compensation.**
- 4-06-100. Limitation on Additional Activities.**
- 4-06-110. Reappointment.**
- 4-06-120. Retirement.**
- 4-06-130. Disqualification.**
- 4-06-140. Grounds for Removal.**
- 4-06-150. Temporary Justice Court Judge.**
- 4-06-160. Clerical Personnel.**
- 4-06-170. Justice Court Staff.**
- 4-06-180. Bail Commissioners.**

**4-06-010. Justice Court Judge.**

The Justice Court shall be presided over by a municipal justice court judge known as the Woods Cross City Justice Court Judge, herein referred to as the "Justice Court Judge."

**4-06-020. Powers of Justice Court Judge.**

The Justice Court Judge has the same authority regarding matters within his or her jurisdiction as judges of courts of record including, but not limited to, the power and authority to:

- (a) Issue search warrants and warrants of arrest upon a finding of probable cause;
- (b) Conduct proceedings to determine:
  - (1) Probable cause for any case within his or her jurisdiction; and
  - (2) An accused person's release on bail or his or her own recognizance;
- (c) Preserve and enforce order in his or her immediate presence, and in proceedings before him or her, when he or she is engaged in the performance of official duty;
- (d) Compel obedience to his or her lawful orders as provided by law;
- (e) Compel the attendance of persons to testify in a proceeding before him or her in the cases and manner provided by law;
- (f) Administer oaths to persons in a proceeding pending before him or her, and in all other cases where it may be necessary in the exercise of his or her powers and duties;
- (g) Exercise the powers of a magistrate to the extent permitted by law as enumerated in *Utah Code Ann.* ' 78-7-17.5, as amended; and

(h) Punish for contempt in the cases provided by law for the effectual exercise of the powers conferred herein.

**4-06-030. Powers of Judge Contradistinguished from Court.**

The Justice Court Judge may exercise out of court all the powers expressly conferred upon a judge as contradistinguished from the Court.

**4-06-040. Eligibility.**

(a) The Justice Court Judge shall be:

- (1) A citizen of the United States;
- (2) Twenty-five (25) years of age or older;
- (3) A resident of Utah for at least three (3) years immediately preceding appointment;
- (4) A resident of Davis County or an adjacent county for at least six (6) months immediately preceding appointment; and
- (5) A qualified voter of the county of residence.

(b) The Justice Court Judge is not required to be admitted to practice law in the State as a qualification to hold office but shall have at the minimum a diploma of graduation from high school or its equivalent. This requirement does not apply to justice court judges holding office on July 1, 1989, who successfully complete continuing education requirements under *Utah Code Ann.* ' 78-5-127, as amended. A Justice Court Judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

**4-06-050. Appointment.**

(a) Generally. The Justice Court Judge shall be appointed by the Mayor and confirmed by a majority vote of the City Council in accordance with *Utah Code Ann.* ' 78-5-134, as amended.

(b) Report to Judicial Council. After a newly appointed Justice Court Judge has been confirmed, the City Council shall report the confirmed Judge's name to the Judicial Council.

**4-06-060. Certification and Annual Training.**

(a) Certification. Prior to assuming office, the Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council. The Judicial Council shall certify the Justice Court Judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the City attorney that the Justice Court Judge meets the statutory qualifications for office. No Justice Court Judge may perform judicial duties until so certified by the Judicial Council.

(b) Annual Training. The Justice Court Judge shall attend continuing education conducted under the supervision of the Judicial Council each calendar year which education shall include instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the Court, rules of evidence, and rules of civil and criminal procedure. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council. Any Justice Court Judge not obtaining said certificate for two (2) consecutive years may be removed from office for cause under this Section.

(c) Costs. The City shall assume the expenses of travel, meals, and lodging for any Justice Court Judge to attend the education and training seminars conducted by the Judicial Council and required herein.

**4-06-070. Residence Requirement.**

The Justice Court Judge shall reside in Davis County, or in a county adjacent to Davis County.

**4-06-080. Term and Vacancy.**

(a) The term of office of the Justice Court Judge is four (4) years, beginning the first Monday in February, 1992. A Justice Court Judge holding office when this Ordinance takes effect or appointed to fill any vacancy shall hold office until reappointed or a successor is appointed and certified by the Judicial Council.

(b) If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the City Council may fill the vacancy in accordance with procedures set forth in *Utah Code Ann.* " 78-5-134 and 20A-1-506, as amended.

(c) The City Council shall notify the office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a Justice Court Judge under this Section within thirty (30) days after filling the vacancy.

**4-06-090. Compensation.**

(a) Amount. The Justice Court Judge shall be paid a fixed compensation determined by the City Council taking into consideration recommendations of the office of the State Court Administrator as provided in *Utah Code Ann.* ' 78-5-128, as amended. The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days or other periods of time that the Justice Court Judge is to be available to perform all judicial functions, but in no case may the salary be an amount greater than 85% of the salary of a district court judge.

(b) Review. The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided however, that the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed or elected.

(c) Notice. A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge and any adjustments to the document shall be furnished to the State Court Administrator by the City Council.

**4-06-100. Limitation on Additional Activities.**

(a) The Justice Court Judge may not appear as an attorney in any criminal matter in a federal, state, or justice court or appear as an attorney in any justice court or in any juvenile court case involving conduct which would be criminal if committed by an adult.

(b) The Justice Court Judge may not hold any office or employment including contracting for services in any justice agency of State government or any political subdivision of the State, including law enforcement, prosecution, criminal defense, corrections, or court employment; provided however, that the Justice Court Judge may, with the concurrence of the governing bodies of both Davis County and the City, hold both the offices of county and municipal Justice Court Judge as defined in *Utah Code Ann.* ' 78-5-102, as amended.

(c) The Justice Court Judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in State government or any political subdivision of the State.

(d) The Justice Court Judge may not own or be employed by any business entity which regularly litigates in small claims court.

(e) Any Justice Court Judge who violates this Section may be subject to removal by the Judicial Conduct Commission under Title 78, Chapter 8, of the Utah Code Annotated, as amended.

**4-06-110. Reappointment.**

Upon the expiration of a Justice Court Judge's term of office, the Justice Court Judge shall be reappointed absent a showing of good cause by the City. If the City asserts good cause not to reappoint a Justice Court Judge, a hearing may be held before the City Council in accordance with *Utah Code Ann.* ' 78-5-134, as amended. Before reappointment, each Justice Court Judge shall be evaluated in accordance with the performance evaluation program established in *Utah Code Ann.* ' 78-3-21, as amended.

**4-06-120. Retirement.**

(a) Except as otherwise provided in *Utah Code Ann.* ' 78-5-137, as amended, the Justice Court Judge shall retire upon attaining the age of seventy-five (75) years.

(b) The Justice Court Judge whose tenure in office has terminated due to retirement and who is physically and mentally able to perform the duties of the office may hear cases as prescribed by rule of the Supreme Court.

(c) The retired Justice Court Judge shall take and subscribe an oath of office only upon the first appointment. The retired Justice Court Judge shall receive reasonable compensation for services as set by the City Council by ordinance.

**4-06-130. Disqualification.**

(a) Except by consent of all parties, no Justice Court Judge may sit or act in any action or proceeding:

(1) To which he or she is a party, or in which he or she is interested;

(2) When he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or

(3) When he or she has been attorney or counsel for either party in the action or proceeding.

(b) The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

**4-06-140. Grounds for Removal.**

The Justice Court Judge may be removed from office, suspended, censured, involuntarily retired, or publicly or privately reprimanded in accordance with the procedures set forth in Chapter 8 of Title 78, as amended.

**4-06-150. Temporary Justice Court Judge.**

If the Justice Court Judge is absent or disqualified, the City Council may appoint another Justice Court Judge currently holding office within the judicial district to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Utah Supreme Court.

**4-06-160. Clerical Personnel.**

(a) The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.

(b) The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with City personnel policies, with the concurrence of the Justice Court Judge, and Title 52, Chapter 3 of the *Utah Code Annotated*, as amended, regarding employment of relatives.

(c) The City shall assume the cost of travel and training expenses of clerical personnel at required training sessions conducted by the Judicial Council.

**4-06-170. Justice Court Staff.**

The City shall provide:

(a) Sufficient staff and public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;

(b) Adequate funding for the costs of defense for persons charged with a public offense who are determined by the Justice Court to be indigent under Title 77, Chapter 32 of the *Utah Code Annotated*, as amended; and

(c) Sufficient local law enforcement officers to attend and provide security for the Justice Court when required.

**4-06-180. Bail Commissioners.**

(a) Appointment. The Mayor, with the advice and consent of the City Council, may appoint from among the officers and members of the police department of the City one or more discreet persons to serve as a bail commissioner. A bail commissioner appointed under this part shall serve at the pleasure of the City and shall receive no compensation as a bail commissioner. Before beginning duties as a bail commissioner, each officer shall take and subscribe an oath to faithfully and impartially discharge the duties of his or her office; give a \$2,500 bond to the City with two good and sufficient individual sureties or with a single corporate surety, that is approved by the City for the faithful performance of his or her duties as a bail commissioner.

(b) Powers and Duties. A bail commissioner shall have authority to fix and receive bail for a person arrested within the corporate limits of the City in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for City Ordinances not contained in the schedule for

misdemeanors under the laws of the State or violation of City Ordinances. In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt moneys tendered in payment of the fine of a person serving sentence in default of the payment of such fine, when the Court is closed. Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three (3) days of receipt of the money or bond.

(c) Return of Property. At the expiration of his or her term of office, the bail commissioner shall surrender and turn over all funds, bonds, property, papers and records then in his or her hands pertaining to the City.

**CHAPTER 4-09: SMALL CLAIMS**

- 4-09-010. Small Claims.**
- 4-09-020. Jurisdiction.**
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- 4-09-040. Procedure.**
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- 4-09-060. Judges Pro Tempore.**
- 4-09-070. Assignee May Not File Claim.**
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- 4-09-120. Costs.**

**4-09-010. Small Claims.**

Small claims actions may be brought before the Justice Court as provided herein.

**4-09-020. Jurisdiction.**

A small claims action is a civil action:

(a) For the recovery of money where the amount claimed does not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest and where the defendant resides or the action of indebtedness was incurred within the jurisdiction of the Justice Court; or

(b) Involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest.

**4-09-030. Counterclaims.**

Counterclaims may be maintained in small claims actions if the counterclaim arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim. A counterclaim may not be raised for the first time in the trial de novo of the small claims action.

**4-09-040. Procedure.**

Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Utah Supreme Court.

**4-09-050. Deferral of Multiple Claims.**

If a person or corporation other than a municipality or political subdivision of the State files multiple small claims in the Justice Court, the Justice Court Judge or clerk may remove all but the initial claim from the Court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the Court's calendar.

**4-09-060. Judges Pro Tempore.**

The Justice Court may request that the Utah Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims actions at times, including evening hours, to be set by the Justice Court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the Justice Court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the Justice Court as may be exercised by a Judge thereof.

**4-09-070. Assignee May Not File Claim.**

No claim shall be filed or prosecuted in a small claims action by any assignee of such claim.

**4-09-080. Hearing Not of Record.**

The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rules of the Judicial Council.

**4-09-090. Judgment and Execution.**

(a) The judgment in a small claims action may not exceed \$5,000.00 including attorney fees but exclusive of court costs and interest.

(b) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

**4-09-100. Appeals.**

(a) Either party may appeal the judgment in a small claims action to the District Court of Davis County by filing a notice of appeal with the Justice Court within ten (10) days of the notice of entry of the judgment.

(b) The appeal to the District Court is a trial de novo and shall be tried in accordance with the procedures of the small claims action, except a record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

**4-09-110. Fees.**

The filing fees for small claims actions shall be assessed in accordance with the filing fees required by law as set forth in *Utah Code Ann.* ' 78-7-35, as amended, and shall be collected and remitted as provided in *Utah Code Ann.* ' 78-6-14, as amended.

**4-09-120. Costs.**

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.



**CHAPTER 4-12: CITATIONS AND COMPLAINTS**

- 4-12-010. Cross Reference.**
- 4-12-020. Party Plaintiff.**
- 4-12-030. Corporate Violations.**
- 4-12-040. Citation.**
- 4-12-050. Contents of Citation.**
- 4-12-060. Proceeding on Citation.**
- 4-12-070. Appearance.**
- 4-12-080. Wilfully Failing to Appear.**
- 4-12-090. Delivery of Prisoner Arrested Without Warrant.**
- 4-12-100. Transfer of Case.**
- 4-12-110. Bail Forfeiture.**
- 4-12-120. Successive Actions Permitted.**

**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.