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**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.

