

## MARANA ORDINANCE NO. 2022.020

RELATING TO MUNICIPAL COURT; REVISING MARANA TOWN CODE TITLE 5 (MUNICIPAL COURT), CHAPTER 5-2 (MAGISTRATE DEPARTMENT), SECTION 5-2-1 (TOWN MAGISTRATE) TO PROVIDE THAT THE TOWN MAGISTRATE'S TERM OF OFFICE SHALL BE FOR A MINIMUM PERIOD OF TWO YEARS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town of Marana has established the Marana Municipal Court pursuant to A.R.S. § 22-402, and has established the position of Marana Town Magistrate pursuant to A.R.S. § 22-403; and

WHEREAS Marana Town Code Section 5-2-1 provides that the Town Magistrate shall be appointed to the Town Council to a two-year term; and

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this ordinance are in the best interest of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 5 (Municipal Court), chapter 5-2 (Magistrate department), section 5-2-1 (Town magistrate) is hereby amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### **5-2-1 Town magistrate**

There shall be appointed by the town council a town magistrate and those assistants as are necessary for the performance of the office. The town council shall enter into an employment contract with the town magistrate, which shall be for a minimum period of two years. ~~The town magistrate shall be appointed by the town council to a two year term.~~ During said term, the town magistrate and assistant magistrates may be removed only for cause. The provisions of this chapter shall not apply to magistrates pro tempore, special magistrates, or acting magistrates appointed by the council, for the purposes of hearing a particular case, or as a substitute for the town magistrate in the town magistrate's absence.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall be effective the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 18th day of October, 2022.



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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney

