

ARTICLE D. JUSTICE OF THE PEACE¹

1-7D-1: JURISDICTION:

The justice of the peace shall have exclusive original jurisdiction of cases arising under or by reason of the violation of any city ordinance, and shall have the same powers and jurisdiction as justices of the peace in all other actions, civil and criminal. (1995 Code § 4-4-1)

1-7D-2: PRACTICE; APPEALS:

The rules of practice and mode of procedure in a city justice court shall be the same as are or may be prescribed by law for justice courts in like cases, except as otherwise expressly provided by law. From all final judgments of a city justice court, an appeal may be taken by either party in a civil case, or by the defendant in a criminal case, to the district court of the county, in the manner provided by law for appeals from justice courts in similar cases. (1995 Code § 4-4-2)

1-7D-3: JURY TRIALS:

All actions before a city justice arising under the city ordinances shall be tried and determined by such justice without the intervention of a jury, except in cases where imprisonment for a longer period than thirty (30) days is made a part of the penalty, or where the maximum fine may exceed one hundred fifty dollars (\$150.00). The defendant shall demand a trial by jury before the commencement of the trial, and when such demand shall be made, a jury shall be impaneled in the same manner as provided for the impaneling of a jury in other justice courts. (1995 Code § 4-4-3)

1-7D-4: VACANCY; DISQUALIFICATION; COMPENSATION:

If a vacancy shall occur in the office of a city justice, the mayor, by and with the consent of the city council, shall forthwith fill such vacancy by appointment for the unexpired term. The person so appointed shall qualify in the same manner as a city justice, and shall have and exercise all the powers conferred by law upon such city justice. In case any city justice shall, for any reason, be unable or disqualified to perform the duties of his office, or shall be absent, the mayor shall appoint some other justice of the peace, residing within the county, to act as city justice pro tempore, and he shall have the power and discharge the duties of such city justice during the existence of such disability or absence only in the same manner, and to the same extent as the city justice might have done. The city justice shall receive

such salary for his services while exercising jurisdiction under the ordinances and bylaws of the city as may be prescribed by ordinance. (1995 Code § 4-4-4)

1-7D-5: FINES:

All fines, penalties and forfeitures for the violation of any city ordinance, and money collected for licenses or otherwise, shall be paid by the officer receiving the same to the city treasurer at such times and in such manner as may be prescribed by ordinance. (1995 Code § 4-4-5)

1-7D-6: WARRANTS; TO WHOM ISSUED:

All warrants issued by the city justice for the violation of any general law of the state or ordinance of the city shall run to the sheriff or any constable of the county. (1995 Code § 4-4-6)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See also section 1-7-1 of this title for appointment provisions.