

**CITY OF SOUTH TUCSON ORDINANCE NO. 09-04**

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**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, ADOPTING AN AMENDMENT TO CHAPTER 12, MAGISTRATE COURT, SECTION 12-3; REPEALING CURRENT SECTION 12-3; SETTING AND EFFECTIVE DATE.**

**BE IT ORDAINED** by the Mayor and Council of the City of South Tucson, Arizona as follows:

**Section 1:** That the city code and subsequent adoptions, amendments, deletions or modifications are on file with the City Clerk in the South Tucson Complex including this Code Amendment marked and designated as "**Chapter 12, Magistrate Court Section 12-3**" be and is hereby adopted for the purpose of amending Section 12-3 and hereby referred to, adopted, and made part thereof as prescribed in Section 2 of this Ordinance.

**Section 2:** That the City of South Tucson Code, Chapter 12, Sec. 12-3 is hereby amended and all other sections and subsections of Chapter 12 shall remain unchanged and shall conform to this Amendment.

**Sec. 12-3: Absence of Magistrate.**

If the Magistrate is incapacitated, the Presiding Judge of the Pima Court Superior Court may be called upon by the Mayor to preside over the Magistrate Court in the Magistrate's absence. If the Magistrate is temporarily absent, the Chief Magistrate may appoint and call upon a Judge Pro Tempore to temporarily preside over the Magistrate Court. The qualifications for a City of South Tucson Judge Pro Tempore shall be the same as those required to be a Judge Pro Tempore for the Pima County Consolidated Justice Courts.

**Section 3:** That Ordinance 09-04 of the City of South Tucson entitled [FULL TITLE OF ORD] is hereby adopted.

**Section 4:** All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, the City of South Tucson, Arizona, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase, irrespective of the fact that any sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7:** That the various City Officers and Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and the City Code.

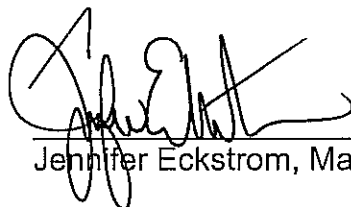
**Section 8:** That where this Ordinance conflicts or overlaps with any other Ordinance, Code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevails.

**Section 9:** The City Clerk is ordered and directed to cause this Ordinance to be published and posted as required by the South Tucson City Code and by state law.

**Section 10:** The City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record as required by law. This Ordinance shall become effective after Mayor and Council perform three readings, conduct a public hearing, publication as required by law, passage and adoption thereof

**PASSED AND ADOPTED** by the Mayor and Council of the City of South Tucson, Arizona, this 27<sup>th</sup> day of September, 2009.

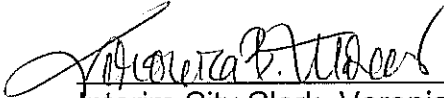
APPROVED/EXECUTED




Jennifer Eckstrom, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Interim City Clerk, Veronica B. Moreno

  
\_\_\_\_\_  
City Attorney, Hector M. Figueroa

Publish: September 4 and September 8, 2009  
Public Hearing: September 14, 2009