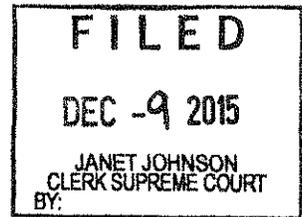




CITY OF  
TUCSON  
CITY COURT

December 9, 2015



Chief Justice Scott Bales  
Arizona Supreme Court  
1501 West Washington Street  
Phoenix, AZ 85007-3231

**Subject: Amendments to Local Rules of Practice and  
Procedure in City Court Civil Proceedings City of Tucson**

Chief Justice Bales:

The Tucson City Court is submitting amendments to our Local Rules of Practice and Procedure for approval. A summary of the major changes is at enclosure 1. The current Local Rules of Practice and Procedure were approved in 2009. In the attached proposed amendments, enclosure 2, additions are indicated by underline and deletions by strikeouts.

The amendments to our Local Rules of Practice and Procedure are needed due to several upcoming changes to the Tucson City Code related to parking violations. A procedure similar to that required by Rule 28 of the Rules of the Supreme Court of Arizona was followed as there appears to be no specific procedure for limited jurisdiction courts to follow in amending our local rules of practice and procedure.

The proposed amendments to our Local Rules of Practice and Procedure were drafted by our court administrator. The draft was sent to our bench of 10 magistrates and two limited special magistrates, the City Prosecutor and City Public Defender for review and comment. Comments were reviewed and incorporated as appropriate and a revised draft was provided to the Honorable Kyle Bryson, Presiding Judge of the Pima County Superior Court

TO: Chief Justice Scott Bales  
SUBJECT: Amendments to Local Rules of Practice and Procedure  
In City Court Civil Proceedings City of Tucson

Page 2

who approved the attached proposed amendments. I respectfully request that you approve the proposed amendments

Regards,



Antonio Riojas Jr.  
Presiding Magistrate

Enclosures:

1. Reviewed Local Rules of Practice and Procedures in City Court Proceedings (LROPAP)
2. Strike through/underline change version of City of Tucson (COT) LRPAP
3. Order Amending COT LRPAP

### **Rule 1. Scope**

These rules shall apply in all proceedings involving the adjudication of violations deemed to be civil violations or civil infractions under the City Code, including civil parking infractions, and civil traffic violations as defined in Rule 2(a), Rules of Procedure in Civil Traffic Violation cases and shall serve as a supplement thereto pursuant to Rule 5 thereof.

The rules set forth herein shall in no way serve to restrict or limit the authority or discretion of the magistrates, special magistrates, or limited special magistrates.

### **Rule 2. Definitions**

A. For purposes of these rules, a "civil infraction" means any civil violation or civil infraction of the City Charter, City Code or City ordinances wherein the enforcement action undertaken may result in the imposition of a civil sanction or penalty.

B. A "civil parking infraction" means any violation of the City Code or City ordinances which regulates the time, place or method of parking.

C. "City" means the City of Tucson.

D. "Court" means the City Court of the City of Tucson.

E. "City Code" means the Charter and City Code of the City of Tucson.

F. "Respondent" means the person or entity charged with a violation of the City Code or Title 28 of the Arizona Revised Statutes pertaining to civil traffic

G. "Charging Document" means complaint or civil citation.

### **Rule 3. Civil Infraction and Civil Parking Infraction; Complaint and Summons; Citation**

A. Civil infraction actions, except civil parking infraction actions, shall be commenced either by citation or civil complaint. Any city employee responsible for the enforcement of any provision of the City Charter, City Code, or City Ordinance, bearing a civil sanction or penalty may issue a citation. Alternatively, the city attorney may file a civil complaint with the court. Upon receipt of the complaint, the court shall issue a summons.

B. The charging document and summons may be served by any method authorized by the Arizona Rules of Civil Procedure. In addition, a citation or summons may be served by certified or registered mail, return receipt requested. Return of the signed receipt shall be prima facie evidence of service.

C. The charging document and summons shall direct the respondent to appear not more than thirty (30) calendar days after personal service or mailing, if service is made by certified mail.

Proposed Changes: LOCAL RULES OF PRACTICE AND PROCEDURE IN  
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D. The charging document and summons shall contain at least the following information: The time, date, and place of the alleged violation; reference to the City Ordinance or Code provisions violated; the time, date, and place for the respondent to appear; an affirmation signed by the citing official that the violation took place; and warning of default in the event of failure to appear.

E. Civil parking infraction actions shall be commenced by the filing of a citation with the court, which shall include the date, time, and location of the violation, the state license number of the vehicle unlawfully parked, the name and address of the registered owner of the vehicle cited on file with the Arizona Department of Motor Vehicles, reference to the City ordinance or Code provision violated, and notice that within fifteen (15) calendar days from the date the citation was filed with the court the fine for the violation must be paid to and received by the court or a request must be made to and received by the court for a hearing to contest the citation. A copy of the citation may be served by attaching a copy to the vehicle; personal service is not required. The citation, or copy thereof, issued in accordance with these Rules shall constitute prima facie evidence of the parking infraction.

G. If the respondent involved in a civil parking violation or infraction fails to respond within fifteen (15) calendar days from the day the citation was filed with the court by one (1) of the prescribed methods in Rule 7, a default fee pursuant to section 8-6.7 of the City Code shall be assessed and the court shall within ten (10) working days of the default date send a default letter to the owner's address as set forth on the citation advising the owner that the citation is in default and that the vehicle may be subject to boot or impoundment and that the fine may be submitted to the Fines Fees and Restitution Enforcement (FARE) Program for collection.

**Rule 4. Cases to be heard by Magistrate, Special Magistrate, or Limited Special Magistrate**

A magistrate, special magistrate, or limited special magistrate shall hear and dispose of civil traffic, civil infraction, and civil parking infraction cases and may make such orders as may be necessary and proper to such dispositions. Cases shall be heard without a jury.

**Rule 5. Sufficiency of the Charging Document**

No charging document shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific violation which the respondent is alleged to have committed if the charging document contains either a written description of the violation or a section of the City Code and, or Title 28 of the Arizona Revised Statutes alleged to have been violated. However, the presiding magistrate, special magistrate, or limited special magistrate may require additional clarifying language when deemed appropriate. Failure to comply may result in dismissal of the charging document without prejudice.

**Rule 6. Amending the Charging Document**

A. The court shall permit a charging document to be amended at any time before judgment if no

Proposed Changes: LOCAL RULES OF PRACTICE AND PROCEDURE IN  
CITY COURT CIVIL PROCEEDINGS - CITY OF TUCSON  
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additional or different violation is charged and if substantial rights of the respondent are not prejudiced.

B. The charging document shall be amended to conform to the evidence adduced at hearing if no additional or different violation is charged and if substantial rights of the respondent are not thereby prejudiced.

C. All amendments to a charging document shall relate back to the date of violation.

**Rule 7. Appearance and Entry of Plea**

A. The respondent or respondent's attorney may admit the allegations of the charging document by appearing in person or for those violations with a fixed fine amount, by mail received by the City within thirty (30) calendar days admitting responsibility for the violation and paying the prescribed fine.

B. The respondent or respondent's attorney may deny the allegations of the charging document by appearing in person. The respondent may also deny the allegations of the charging document through respondent's attorney by delivering to the court and the City a written denial signed by the respondent or respondent's attorney. Upon denial, the court shall set the matter for hearing and notify the respondent and the City of the date, time, and place for the hearing, in writing or through the electronic notification such as email. Unless a different address is provided to the court in writing by the respondent or respondent's attorney, the respondent's notice shall be sent to the address set forth on the charging document or Motor Vehicle Department address of record.

C. In proceedings for civil traffic violations a plea of not responsible shall constitute a waiver (where otherwise eligible) of the opportunity to attend Defensive Driving School (DDS).

D. In proceedings for civil parking infractions, the respondent shall respond to the notice of filing within fifteen (15) calendar days from the day on which the citation was filed with the court one of the following methods:

(1) By appearing in person, by representation, or by mail received by the City within the fifteen (15) calendar day period, admitting responsibility for the violation, and paying the fine prescribed for the violation.

(2) By contacting the court in person, through representation, or by mail requesting a hearing to contest the citation within the fifteen (15) calendar day period.

If the owner or operator of the vehicle involved in the violation fails to respond by one of the methods prescribed in sections A or B of this subsection, within fifteen (15) calendar days from

the day the citation was filed with the court, the court shall enter judgment for the City, impose a civil sanction and a default fee pursuant to section 8-6.7 of the City Code shall be assessed in

addition to any time payment and, or case processing fee required The court shall send a default letter to the respondent's last known address on file with the court, providing notice that the citation is in default.

**Rule 8. Notice of Intent to be Represented by Counsel**

If a notice of appearance by respondent's counsel is not received by the court at least 10 calendar days prior to the hearing, a respondent's right to counsel is deemed waived.

**Rule 9. Representation of the City**

The City need not be represented by counsel at the hearing on a charging document. The City's right to be represented by counsel at the hearing is waived, unless the City notifies the court and the respondent of its election to be represented by counsel. Absent extraordinary circumstances notice must be made at least ten (10) calendar days prior to the hearing date, or within ten (10) calendar days of receipt of notice that the respondent will be represented by counsel, whichever is later.

**Rule 10. Motion to Withdraw**

Withdrawal of respondents' representation is only upon written motion stating

- A. The reason for the withdrawal;
- B. The consent of the respondent or why it is unobtainable; and
- C. The last known address of the respondent.

**Rule 11. Certificate of Service**

When a party is represented a copy of all submissions to the court shall contain a certificate of service upon the opposing party. The certificate of service shall include the date and manner of service.

**Rule 12. Discovery**

- (a) No pre-trial discovery shall be permitted.
- (b) Immediately prior to the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which have been prepared and may be offered at the hearing. Failure to comply with this rule may result, in the court's discretion, in the granting of a recess or continuance to permit such inspection or the exclusion of the evidence not so exchanged.

(c) Either party may subpoena witnesses as provided by A.R.S. Sec. 13-4072. Such witnesses are not entitled to fees for appearing in connection with a civil traffic, civil infraction, or civil parking infraction proceeding.

**Rule 13. Consolidated Cases.**

If civil and criminal cases are based on the same conduct or are otherwise connected together in their commission, the Court may consolidate the cases, but either party may file a motion to sever before the cases proceed to hearing. Cases may be consolidated at any point in the proceedings on the motion of any party, or on the court's own motion. At the trial of any consolidated case, the rules governing the criminal case shall apply, except that the civil case shall be tried to the court, and the standard of proof in the civil case shall be by a preponderance of the evidence.

**Rule 14. Continuances and Rescheduling.**

A. The court may, upon motion of any party or on its own motion, continue or reschedule the hearing on a civil violation or civil infraction under the City Code or civil traffic proceeding for a period not exceeding 60 days, if it appears that the interests of justice so require.

1. Absent extraordinary circumstances any motion to continue or reschedule a hearing shall be filed no less than five (5) calendar days prior to the scheduled hearing.

2. A motion to continue or reschedule does not excuse a party or representative from attending the hearing while the motion remains pending.

B. Absent extraordinary circumstances, no hearing shall be continued or rescheduled by the court without notice to both parties.

C. The court shall notify both parties in writing of the new hearing date and time.

**Rule 15. Oath**

All testimony shall be given under oath or affirmation.

**Rule 16. Questioning of Witnesses**

A. The court may, on its own motion, call and examine witnesses present at the hearing, including the respondent.

B. No person may be examined or cross-examined at a hearing except by the court, an attorney for a party, or the respondent.

**Rule 17. Rules of Evidence**

The Arizona Rules of Evidence shall not apply in civil traffic, civil infraction, or civil parking infraction proceedings. Any evidence offered shall be admitted subject to a determination by the magistrate, special magistrate, or limited special magistrate that the offered evidence is relevant and material and has some probative value as to a fact at issue. Nothing in this rule is to be construed as abrogating any statutory provision relating to privileged communications.

**Rule 18. Witnesses**

All witnesses for the City's case-in-chief, other than the respondent, shall be required to testify prior to the respondent being required to testify or produce any evidence. A witness not called to testify in the City's case-in-chief may be called to testify in rebuttal.

**Rule 19. Order of Proceedings**

The order of proceedings shall be as follows:

- A. Testimony of City's witnesses.
- B. Testimony of defense witnesses.
- C. Testimony of City's rebuttal witnesses, if any.
- D. Testimony of defense surrebuttal witnesses, if any.
- E. Argument of the parties or their counsel if permitted by the court.
- F. Ruling by the court.

**Rule 20. Record**

A record of the proceedings shall be made by digital audio recording or audiotape.

**Rule 21. Default by the Respondent**

- A. If the respondent fails to appear as required, the allegations of the charging document shall be deemed admitted, and the court shall enter judgment for the City and impose a civil sanction.
- B. If it appears from the face of the charging document that the respondent was in the active military service, no default judgment may be entered. In such case, the court may notify the respondent's commanding officer, if known, of the respondent's failure to appear.

**Rule 22. Default by the City**

If no witness for the City, excluding the respondent, appears at the time set for hearing on a civil infraction, the court shall dismiss the complaint without prejudice, unless the court, for good cause shown, continues the hearing to another date. This rule shall not apply to those instances (such as civil parking infractions) where the citation constitutes prima facie evidence of the civil parking violation.

**Rule 23. Findings and Judgment**

A. If the court finds in favor of the City, the court shall enter judgment for the City and impose a civil sanction.

B. If appropriate, the Court shall enter an order of Abatement and a date for compliance with that order.

C. If the court finds in favor of the respondent, the court shall enter a finding of not responsible.

**Rule 24. Setting Aside Default Judgment**

A. For good cause shown, and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear. A motion to set aside a default judgment shall be made in writing within 30 days after entry of the default judgment.

B. At any time, the court may set aside a judgment entered upon a failure to appear, if it appears that the respondent was not served with a copy of the complaint or citation as provided by law, or for any other reason where necessary to prevent a manifest injustice.

**Rule 25. Right to Appeal**

A. Any party may appeal to the Superior Court from a final order or judgment in a civil infraction case as provided by law. Any appeal shall be governed by the Superior Court Rules of Appellate Procedure-Civil, except that the appeal shall be on the record unless the Superior Court adjudges the record insufficient or not in proper condition to enable the court to adjudicate the issues, in which case a trial de novo may be granted.

B. Immediately following judgment and imposition of a civil sanction after hearing, the court shall notify the respondent in writing of the right to appeal. Such notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal, and shall refer the respondent to the rules governing the appeal process.

C. A respondent who admits to responsibility waives the right to appeal.

**Rule 26. Consolidated Appeals**

When an appeal is taken in both civil and criminal cases consolidated for trial, the rules governing criminal appeals shall apply.

**Rule 27. Appeal; how taken**

A. An appeal shall be taken by filing a written notice of appeal with the lower court within fourteen (14) calendar days after the entry of the order or judgment.

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B. The notice of appeal shall identify the order or judgment by case number. It shall be signed by the appellant or appellant's attorney, if any, and shall contain the names, addresses and telephone numbers of all parties and their attorneys.

C. When a party appeals, the lower court shall send a copy of the notice of appeal to the other party or the other party's attorney, if any.

ENCLOSURE

1

The major changes to the Local Rules of Practice and Procedure in City Court Civil Proceedings City of Tucson involve:

- Rule 3 E – Civil parking violations commenced by filing with the court. Requires citation to have , the name and address of the registered owner of the vehicle cited on file with the Arizona Department of Motor Vehicles.
- Rule 3 E. 1. Deleted. This Rule required the court to send out a citation letter and that responsibility has been transferred by ordinance change to the City’s parking authority, Park Tucson.
- Rule 3. E. 2. – Changes time frame from 30 days to 15 days.
- Rule 7. D. 1 and 2 – Changes time frames from 30 days to 15 days..

ENCLOSURE

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**Rule 1. Scope.**

These rules shall apply in all proceedings involving the adjudication of violations deemed to be civil violations or civil infractions under the City Code, including civil parking infractions, and civil traffic violations as defined in Rule 2(a), Rules of Procedure in Civil Traffic Violation cases and shall serve as a supplement thereto pursuant to Rule 5 thereof.

The rules set forth herein shall in no way serve to restrict or limit the authority or discretion of the magistrates, special magistrates, or limited special magistrates.

**Rule 2. Definitions.**

- A. For purposes of these rules, a "civil infraction" means any civil violation or civil infraction of the City Charter, City Code or City ordinances wherein the enforcement action undertaken may result in the imposition of a civil sanction or penalty.
- B. A "civil parking infraction" means any violation of the City Code or City ordinances which regulates the time, place or method of parking.
- C. "City" means the City of Tucson.
- D. "Court" means the City Court of the City of Tucson.
- E. "City Code" means the Charter and City Code of the City of Tucson.
- F. "Respondent" means the person or entity charged with a violation of the City Code or Title 28 of the Arizona Revised Statutes pertaining to civil traffic
- G. "Charging Document" means complaint or civil citation.

**Rule 3. Civil Infraction and Civil Parking Infraction; Complaint and Summons; Citation.**

- A. Civil infraction actions, except civil parking infraction actions, shall be commenced either by citation or civil complaint. Any city employee responsible for the enforcement of any provision of the City Charter, City Code, or City Ordinance, bearing a civil sanction or penalty may issue a citation. Alternatively, the city attorney may file a civil complaint with the court. Upon receipt of the complaint, the court shall issue a summons.
- B. The charging document and summons may be served by any method authorized by the Arizona Rules of Civil Procedure. In addition, a citation or summons may be served by certified or registered mail, return receipt requested. Return of the signed receipt shall be prima facie evidence of service.

C. The charging document and summons shall direct the respondent to appear not more than thirty (30) calendar days after personal service or mailing, if service is made by certified mail.

D. The charging document and summons shall contain at least the following information: The time, date, and place of the alleged violation; reference to the City Ordinance or Code provisions violated; the time, date, and place for the respondent to appear; an affirmation signed by the citing official that the violation took place; and warning of default in the event of failure to appear.

E. Civil parking infraction actions shall be commenced by the filing of a citation with the court, which shall include the date, time, and location of the violation, the state license number of the vehicle unlawfully parked, the name and address of the registered owner of the vehicle cited on file with the Arizona Department of Motor Vehicles, reference to the City ordinance or Code provision violated, and notice that within fifteen (15) calendar days from the date the citation was filed with the court, the fine for the violation must be paid to and received by the court, or a request must be made to and received by the court for a hearing to contest the citation. A copy of the citation may be served by attaching a copy to the vehicle; personal service is not required. The citation, or copy thereof, issued in accordance with these Rules shall constitute prima facie evidence of the parking infraction.

2. If the respondent involved in a civil parking violation or infraction fails to respond within fifteen (15) calendar days from the day the citation was filed with the court by one (1) of the prescribed methods in Rule 7, a default fee pursuant to section 8-6.7 of the City Code shall be assessed and the court shall within ten (10) working days of the default date send a default letter to the owner's address as set forth on the citation advising the owner that the citation is in default and that the vehicle may be subject to boot or impoundment and that the fine may be submitted to the Fines Fees and Restitution Enforcement (FARE) Program for collection.

**Rule 4. Cases to be heard by Magistrate, Special Magistrate, or Limited Special Magistrate.**

A magistrate, special magistrate, or limited special magistrate shall hear and dispose of civil traffic, civil infraction, and civil parking infraction cases and may make such orders as may be necessary and proper to such dispositions. Cases shall be heard without a jury.

**Rule 5. Sufficiency of the Charging Document.**

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**Rule 6. Amending the Charging Document.**

A. The court shall permit a charging document to be amended at any time before judgment if no additional or different violation is charged and if substantial rights of the respondent are not prejudiced.

B. The charging document shall be amended to conform to the evidence adduced at hearing if no additional or different violation is charged and if substantial rights of the respondent are not thereby prejudiced.

C. All amendments to a charging document shall relate back to the date of violation.

**Rule 7. Appearance and Entry of Plea.**

A. The respondent or respondent's attorney may admit the allegations of the charging document by appearing in person or for those violations with a fixed fine amount, by mail received by the City within thirty (30) calendar days admitting responsibility for the violation and paying the prescribed fine.

B. The respondent or respondent's attorney may deny the allegations of the charging document by appearing in person. The respondent may also deny the allegations of the charging document through respondent's attorney by delivering to the court and the City a written denial signed by the respondent or respondent's attorney. Upon denial, the court shall set the matter for hearing and notify the respondent and the City of the date, time, and place for the hearing, in writing or through the electronic notification such as email. Unless a different address is provided to the court in writing by the respondent or respondent's attorney, the respondent's notice shall be sent to the address set forth on the charging document or Motor Vehicle Department address of record.

C. In proceedings for civil traffic violations a plea of not responsible shall constitute a waiver (where otherwise eligible) of the opportunity to attend Defensive Driving School (DDS).

D. In proceedings for civil parking infractions, the respondent shall respond to the notice of filing, within fifteen (15), calendar days from the day on which the citation was filed with the court, one of the following methods:

(1) By appearing in person, by representation, or by mail received by the City within the fifteen (15), calendar day period, admitting responsibility for the violation, and paying the fine prescribed for the violation.

(2) By contacting the court in person, through representation, or by mail requesting a hearing to contest the citation within the fifteen (15), calendar day period.

If the owner or operator of the vehicle involved in the violation fails to respond by one of the methods prescribed in sections A or B of this subsection, within fifteen (15) calendar days from the day the citation was filed with the court, the court shall enter judgment for the City, impose a civil sanction and a default fee pursuant to section 8-6.7 of the City Code shall be assessed in addition to any time payment and, or case processing fee required. The court shall send a default letter to the respondent's last known address on file with the court, providing notice that the citation is in default.

**Rule 8. Notice of Intent to be Represented by Counsel.**

If a notice of appearance by respondent's counsel is not received by the court at least 10 calendar days prior to the hearing, a respondent's right to counsel is deemed waived.

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The City need not be represented by counsel at the hearing on a charging document. The City's right to be represented by counsel at the hearing is waived, unless the City notifies the court and the respondent of its election to be represented by counsel. Absent extraordinary circumstances notice must be made at least ten (10) calendar days prior to the hearing date, or within ten (10) calendar days of receipt of notice that the respondent will be represented by counsel, whichever is later.

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Withdrawal of respondents' representation is only upon written motion stating

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**Rule 11. Certificate of Service**

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**Rule 12. Discovery.**

(a) No pre-trial discovery shall be permitted.

(b) Immediately prior to the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which have been prepared and may be offered at the hearing. Failure to comply with this rule may result, in the court's discretion, in the granting of a recess or continuance to permit such inspection or the exclusion of the evidence not so exchanged.

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**Rule 14. Continuances and Rescheduling.**

A. The court may, upon motion of any party or on its own motion, continue or reschedule the hearing on a civil violation or civil infraction under the City Code or civil traffic proceeding for a period not exceeding 60 days, if it appears that the interests of justice so require.

1. Absent extraordinary circumstances any motion to continue or reschedule a hearing shall be filed no less than five (5) calendar days prior to the scheduled hearing.

2. A motion to continue or reschedule does not excuse a party or representative from attending the hearing while the motion remains pending.

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A. The court may, on its own motion, call and examine witnesses present at the hearing, including the respondent.

B. No person may be examined or cross-examined at a hearing except by the court, an attorney for a party, or the respondent.

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All witnesses for the City's case-in-chief, other than the respondent, shall be required to testify prior to the respondent being required to testify or produce any evidence. A witness not called to testify in the City's case-in-chief may be called to testify in rebuttal.

**Rule 19. Order of Proceedings.**

The order of proceedings shall be as follows:

- A. Testimony of City's witnesses.
- B. Testimony of defense witnesses.
- C. Testimony of City's rebuttal witnesses, if any.
- D. Testimony of defense surrebuttal witnesses, if any.
- E. Argument of the parties or their counsel if permitted by the court.
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**Rule 21. Default by the Respondent.**

A. If the respondent fails to appear as required, the allegations of the charging document shall be deemed admitted, and the court shall enter judgment for the City and impose a civil sanction.

B. If it appears from the face of the charging document that the respondent was in the active military service, no default judgment may be entered. In such case, the court may notify the respondent's commanding officer, if known, of the respondent's failure to appear.

**Rule 22. Default by the City.**

If no witness for the City, excluding the respondent, appears at the time set for hearing on a civil infraction, the court shall dismiss the complaint without prejudice, unless the court, for good cause shown, continues the hearing to another date. This rule shall not apply to those instances (such as civil parking infractions) where the citation constitutes prima facie evidence of the civil parking violation.

**Rule 23. Findings and Judgment.**

A. If the court finds in favor of the City, the court shall enter judgment for the City and impose a civil sanction.

B. If appropriate, the Court shall enter an order of Abatement and a date for compliance with that order.

C. If the court finds in favor of the respondent, the court shall enter a finding of not responsible.

**Rule 24. Setting Aside Default Judgment.**

A. For good cause shown, and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear. A motion to set aside a default judgment shall be made in writing within 30 days after entry of the default judgment.

B. At any time, the court may set aside a judgment entered upon a failure to appear, if it appears that the respondent was not served with a copy of the complaint or citation as provided by law, or for any other reason where necessary to prevent a manifest injustice.

**Rule 25. Right to Appeal.**

A. Any party may appeal to the Superior Court from a final order or judgment in a civil infraction case as provided by law. Any appeal shall be governed by the Superior Court Rules of Appellate Procedure-Civil, except that the appeal shall be on the record unless the Superior

Court adjudges the record insufficient or not in proper condition to enable the court to adjudicate the issues, in which case a trial de novo may be granted.

B. Immediately following judgment and imposition of a civil sanction after hearing, the court shall notify the respondent in writing of the right to appeal. Such notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal, and shall refer the respondent to the rules governing the appeal process.

C. A respondent who admits to responsibility waives the right to appeal.

**Rule 26. Consolidated Appeals.**

When an appeal is taken in both civil and criminal cases consolidated for trial, the rules governing criminal appeals shall apply.

**Rule 27. Appeal; how taken.**

A. An appeal shall be taken by filing a written notice of appeal with the lower court within fourteen (14) calendar days after the entry of the order or judgment.

B. The notice of appeal shall identify the order or judgment by case number. It shall be signed by the appellant or appellant's attorney, if any, and shall contain the names, addresses and telephone numbers of all parties and their attorneys.

C. When a party appeals, the lower court shall send a copy of the notice of appeal to the other party or the other party's attorney, if any.

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ENCLOSURE

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**IN THE TUCSON CITY COURT  
IN THE CITY OF TUCSON,**

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**ORDER AMENDING THE  
LOCAL RULES OF PRACTICE AND PROCEDURE,  
IN CITY COURT CIVIL PROCEEDINGS CITY OF TUCSON**

A majority of the judges of the Tucson City Court having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed Local Rules of Practice and Procedure in City Court Civil Proceedings City of Tucson,

IT IS ORDERED amending Local Rules of Practice and Procedure in City Court Civil Proceedings City of Tucson for the Tucson City Court, in accordance with the attachment hereto,\* effective January 1, 2016.

DATED in the City of Tucson, Arizona, this 9<sup>th</sup> day of December, 2015.

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Antonio Riojas Jr.  
Presiding Magistrate  
Tucson City Court

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Scott Bales, Chief Justice  
Arizona Supreme Court

\* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.