



CITY OF SOUTH TUCSON ORDINANCE NO: 08-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, ESTABLISHING A PAYMENT PLAN MAINTENANCE FEE IN THE AMOUNT OF \$65.00 WHICH SHALL BE ASSESSED AND IMPOSED BY THE COURT ON ALL DEFENDANTS ENTERING INTO A PAYMENT PLAN, AMENDING CHAPTER 12, SECTION 12-7(a) AND DECLARING AN EMERGENCY TO EXIST

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, be and is hereby adopted for the purpose of establishing a “Payment Plan Maintenance Fee” to be assessed and imposed by the Court on all defendants entering into a payment plan to pay fines sanctions, penalties and assessments imposed by the Court and are 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. 12-7(a) is hereby amended to add subsection 12-7 (a) (20) and all other applicable 12-7 code subsections shall remain unchanged and shall conform to this Amendment.

Sec. 12-7(a) (20) *“Payment Plan Maintenance Fee”* The City of South Tucson Magistrate Court shall impose a court maintenance fee in the amount of \$65.00 which shall be assessed by the court on all defendants entering into a payment plan to pay fines, sanctions, penalties and assessments imposed by the court.

SECTION 3: That Ordinance 08-09 of the City of South Tucson entitled [FULL TITLE OF ORD] is hereby adopted, an emergency is hereby declared and all ordinances or parts of ordinances in conflict herewith are hereby amended.

SECTION 4: 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 5: 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 6: 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 7: 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 prevail.

SECTION 8: The City Clerk is ordered and directed to cause this Ordinance to be published.

SECTION 9: That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be maintained as a public record.

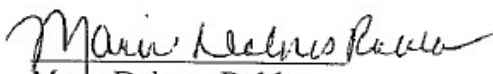
SECTION 10: That the Ordinance shall be effective on January 1, 2009.

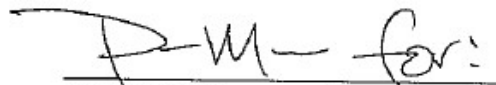
PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 15th day of December, 2008.


MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:


Marie Dolores Robles
City Clerk


Hector M. Figueroa, Esq.
City Attorney