

CITY OF SOUTH TUCSON ORDINANCE NO: 11-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AMENDING THE MINIMUM REGULATIONS GOVERNING THE MAGISTRATE COURT, AMENDING/REVISING CHAPTER 12, MAGISTRATE COURT, BY AMENDING SECTION 12-7, ADDING NEW SUBSECTIONS THERETO 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 Amending/Revising/Adding/Establishing Fees to cover 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, subsections enumerated below are amended/revised/added as follows:

Sec. 12-7(a) (1) *"Court Abstract Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons requesting a court abstract for purposes of driver's license reinstatement.

(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (2) *"Quash Warrant Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons requesting their warrants to be quashed whenever it shall appear that the warrant was issued for failure to appear or failure to pay fine and that such failure was the result of volitional conduct.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (3) *"Order to Show Cause Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities responding to an Order to Show Cause whenever it shall appear that the failure to appear or the failure to pay fines or fees was the result of volitional conduct.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (4) *"Community Court Fee"* A maximum administrative fee of five hundred dollars (\$500.00) shall be assessed and collected from those persons participating in diversion programs or community service programs.
(Ord. 10-01, 4/26/10 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (5) *"Drug Court Fee"* A maximum administrative fee of three hundred dollars (\$300.00) shall be assessed and collected from those persons participating in the Drug Court program.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (6) *"Default Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities responding to a Default Judgment whenever it shall appear that the failure to appear or the failure to pay fines or fees was the result of volitional conduct.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (7) *"Dilatory/Late Payment Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities that have been ordered to pay fines, penalties, or other fees and having failed to pay by date ordered.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (9) *"Court Technology Enhancement Fee"* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities who have had their cases referred to a collection agency, or a collection enforcement program.
(Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11)

Sec. 12-7(a) (21) *"Defensive Driving School (DDS) Rescheduling Fee"* Each person requesting an extension of time to complete Defensive Driving School shall pay a forty dollar (\$40) rescheduling fee. The forty dollar (\$40) rescheduling

fee shall be paid prior to each court authorized extension. The rescheduling fee provided for in this section is hereby declared administrative in nature, separate from and in addition to any sentence or civil penalty previously imposed by the court. Any fee collected under this subsection shall be placed in a fund for the Magistrate Court's use exclusively, for administrative, staffing or other discretionary use by the Magistrate Court.
(Ord. 11-02, Adopted 7/11/11)

Sec. 12-7(a) (22) *"Supervised Probation Fee"* A maximum administrative fee of three hundred dollars (\$300) shall be assessed and collected from those persons who are sentenced to a term of probation on any misdemeanor or code violation.
(Ord. 11-02, Adopted 7/11/11)

Sec. 12-7(a) (23) *"Domestic Violence Court Fee"* A maximum administrative fee of three hundred dollars (\$300) shall be assessed and collected from those persons participating in the domestic violence court program.
(Ord. 11-02, Adopted 7/11/11)

Sec. 12-7(a) (24) *"Veterans Court Fee"* A maximum administrative fee of three hundred dollars (\$300) shall be assessed and collected from those persons participating in the veterans court program.
(Ord. 11-02, Adopted 7/11/11)

Sec. 12-7(a) (25) *"Driving on Suspended License Diversion Fee"* A maximum administrative fee of three hundred dollars (\$300) shall be assessed and collected from those persons participating in the prosecutor's Driving on Suspended License Diversion Program.
(Ord. 11-02, Adopted 7/11/11)

SECTION 3: That Ordinance 11-02 of the City of South Tucson entitled "Amendments and Revisions to Chapter 12" 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.

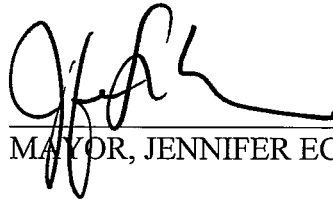
SECTION 8: The City Clerk is ordered and directed to cause this Ordinance to be published and posted as required by the South Tucson City Code and by state law.

SECTION 9: 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 posting and publication as required by law and passed and adopted by Mayor and Council.

SECTION 10: The Ordinance shall be effective on July 11, 2011.

PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 11th day of July, 2011.


APPROVED/EXECUTED



MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:


City Clerk, Veronica B. Moreno
City Attorney, Hector M. Figueroa