

ORDINANCE No. 12-04

AN ORDINANCE OF THE CITY OF COOLIDGE, ARIZONA, AMENDING ARTICLE 6 OF "THE CODE OF THE CITY OF COOLIDGE, ARIZONA", BY ADDING AN ORDER TO SHOW CAUSE FEE, CIVIL TRAFFIC DEFAULT/SUSPENSION FEE AND ABSTRACT FEE TO THE FEES FOR SERVICES PROVIDED BY THE MAGISTRATE COURT; DELETING SECTIONS 6-3-10, 6-3-11 AND 6-3-12 REGARDING ASSESSMENT, COLLECTION, PENALTIES AND WAIVER OF FEES AND RENUMBERING SUCH SECTIONS AS NEW SECTIONS 6-4-1, 6-4-2 AND 6-4-3 UNDER NEW ARTICLE 6-4 TITLED ASSESSMENT, COLLECTION, PENALTIES AND WAIVER OF COURT FEES AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, A.R.S. §22-404(E) provides that cities and towns may impose fees to recover the costs of services provided by its or its courts; and

WHEREAS, the Mayor and City Council of the City of Coolidge have determined that a fee for the issuance of an order to show cause by the Magistrate Court, a civil traffic default/suspension fee and an abstract fee should be imposed on the offender to recover the costs of this service provided by the Magistrate Court.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Coolidge, Arizona as follows:

SECTION 1. The Code of the City of Coolidge, Arizona shall be amended to delete Sections 6-3-10, 6-3-11 and 6-3-12 in their entirety and to add new Article 6-4 as follows:

Article 6-4 ASSESSMENT, COLLECTION, PENALTIES AND WAIVER OF COURT FEES

- 6-4-1 Assessment and Collection of Fees
- 6-4-2 Penalties and Assessments
- 6-4-3 Authority to Waive Fees

Section 6-4-1 Assessment and Collection of Fees

The Magistrate Court shall assess and collect fees as provided for in this Article. All fees assessed against a person constitute a debt of the person and may be collected by the City of Coolidge. In addition to any other remedies which may be allowed by law, the City Attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fees referred to in this Article.

Section 6-4-2 Penalties and Assessments

In each case where required by state law, there shall be imposed on the fees imposed in this chapter a penalty or other assessment in an amount equal to the amounts required to be collected pursuant to A.R.S. §12-114.01, 12-116, 12-116.01, 12-116.02, and 16-954(C), as may each be amended or superceded from time to time, as well as any other statutes, ordinances or other laws which may be added or revised by the Arizona Legislature, Pinal County or any other governing body relating to the imposition of such surcharges.

Section 6-4-3 Authority to Waive Fees

The Magistrate may waive all or a portion of the fees established by this Article when, in the Magistrate's opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has no anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

SECTION 2. The Code of the City of Coolidge, Arizona shall be amended to add new Sections 6-3-10 and 6-3-11 as follows:

Section 6-3-10 Order to Show Cause Fee

The Magistrate Court shall assess an Order to Show Cause Fee of not less than \$50.00 upon the person for whom an Order to Show Cause is issued for failure to comply with the terms of probation, payment schedule or other Court order.

Section 6-3-11 Civil Traffic Default/Suspension and Abstract Fees

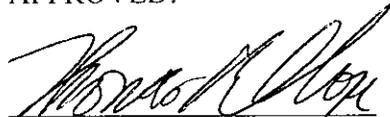
The Magistrate Court shall assess a default/suspension fee in the amount of \$50.00 for each default judgment entered in a civil traffic violation case based upon such person's failure to appear or failure to pay a civil sanction. The Magistrate Court shall assess an abstract fee in the amount of \$20.00. The default fee will not be assessed if the default judgment is set aside under the Rules of Procedures in civil traffic violation cases.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Coolidge.

PASSED AND ADOPTED by the Mayor and City Council of the City of Coolidge, Arizona this 11th day of June 2012.

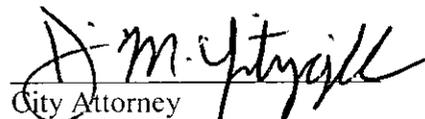
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney