



Ordinance

Ordinance No. 157

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA, AMENDING AND SUPPLEMENTING CHAPTER 5, MAGISTRATE, OF THE CITY CODE, BY DELETING SECTIONS 5-2-3(C) AND 5-2-3(D) IN THEIR ENTIRETY, RELETTERING 5-2-3(E) AND 5-2-3(F) AS 5-2-3(C) AND 5-2-3(D) RESPECTIVELY, AND BY ADDING NEW SECTIONS 5-2-4, WAIVER OF COSTS FOR INDIGENTS, 5-2-5, MUNICIPAL COURT FUND, AND 5-2-6, MUNICIPAL COURT FEES, EFFECTIVE JULY 1ST, 1999.

Be it ordained by the Mayor and Common Council of the City of San Luis, Arizona as follows:

SECTION 1. That Sections 5-2-3(C) and 5-2-3(D) of the City Code of the City of San Luis, Arizona are hereby deleted in their entirety, Sections 5-2-3(E) and 5-2-3(F) are relettered as 5-2-3(C) and 5-2-3(D) respectively, and new Sections 5-2-4, 5-2-5 and 5-2-6 are added as follows:

Sec. 5-2-4 Waiver of Costs for Indigents

The City Magistrate may waive all or a portion of the fees when in the opinion of said Magistrate such waiver would be in the interest of justice or after finding the person has a substantial financial hardship or is indigent based on sworn affidavits of the person.

Sec. 5-2-5 Municipal Court Fund

A. There is hereby established a Municipal Court Fund, which shall be used exclusively to recover legitimate court costs and to enhance the technological, operational, security and collections capabilities of the San Luis Municipal Court.

B. The Municipal Court Fund shall be established as a designated fund account with the City Treasurer. San Luis Municipal Court shall collect designated Municipal Court Fees and deposit them in the Municipal Court Fund account. The City Treasurer shall invest the monies

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in the fund in the same manner as other city funds. Interest earned on fund monies shall be deposited in the fund.

C. San Luis Municipal Court, with the concurrence of the San Luis City Council, shall administer the fund and may make expenditures from the fund for the purpose provided in this Section.

D. The Municipal Court Fees shall be administrative in nature, separate from and in addition to any sentence imposed by the Municipal Court in a criminal case, or any civil penalty in cases where a civil penalty is imposed. The Municipal Court shall set forth the requirements and amounts of such court fees as separate items in all orders and judgments.

E. If the defendant pays some or all of his or her fine, surcharges, restitution or other fees over time, the Municipal Court Fees shall be collected in proportion with any fine, surcharge, other fees, except restitution and time payment fees, which must be collected first.

5-2-6 Municipal Court Fees

A. Municipal Court Enhancement Fee

Persons convicted of criminal traffic or misdemeanor offenses, or found responsible for civil traffic offenses, with an offense date of the effective date of this Ordinance or after, shall pay a Municipal Court Enhancement Fee in the amount of ten dollars (\$10.00) for each offense.

B. Municipal Court Default Cost Recovery Fee

A Default Cost Recovery Fee in the amount of forty dollars (\$40.00) shall be imposed on each default judgment entered for failure to appear in a civil traffic case, or for failure to satisfy in full a civil sanction imposed in a civil traffic case.

C. Municipal Court Warrant Cost Recovery Fee

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When a City Magistrate issues a warrant for non-compliance with court orders, failure to pay a fine or failure to pay any other fees, the City Magistrate shall impose a Municipal Court Warrant Cost Recovery Fee in the amount of one hundred dollars (\$100.00) upon the person for whom the arrest warrant is issued; and this fee shall be added to the amount set forth in the arrest warrant.

4. Municipal Court Deferred Prosecution Cost Recovery Fee

A Deferred Prosecution Fee in the amount of one hundred dollars (\$100.00) shall be imposed on each criminal charge for which the court defers prosecution pursuant to Rule 38 of the Arizona Rules of Criminal Procedure (or its substitute).

E. Municipal Court Order of Protection/Injunction Against Harassment Cost Recovery Fee

When an Order of Protection or an Injunction Against Harassment is filed in the Municipal Court, and then subsequently withdrawn by the victim prior to its termination date, a Cost Recovery Fee in the amount of twenty-five dollars (\$25.00) shall be imposed.

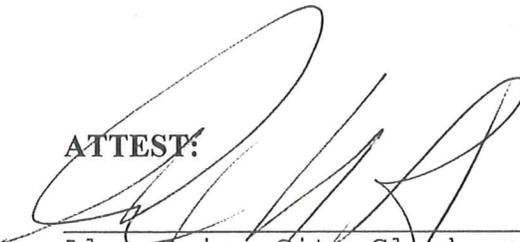
SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. That the effective date of this Ordinance and the effective date of for the collection of the fees established by this Ordinance shall be July 1st, 1999.

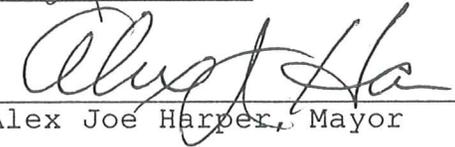
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PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona this 12th day of May, 1999.

ATTEST:

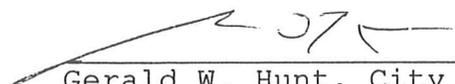


Alex Ruiz, City Clerk



Alex Joe Harper, Mayor

APPROVED AS TO FORM:



Gerald W. Hunt, City Attorney