



# Ordinance

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

Ordinance No. 168

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS,  
ARIZONA, AMENDING THE CITY CODE BY ADDING ARTICLE 5-4,  
COURT COLLECTION SERVICE FEES

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

Section 1: That a city is authorized, pursuant to § 22-404  
of the Arizona Revised Statutes, to establish fees for court  
programs and services; and

Section 2: That the City Code is hereby supplemented by  
adding Article 5-4, Court Collection Service Fees, as follows:

A. The San Luis City Council, with the consent of  
the City Magistrate, establishes a Court Collection  
Service Fee whereby the Municipal Court, collection  
agency(s) and/or attorney(s) may assess the said fee  
against persons, probationers, defendants, businesses or  
corporations that have defaulted (minimum of 60 days  
delinquent) on monetary obligations owed to or payable  
through the Court may also be collected by a collection  
agency(s) and/or attorney(s). Said fee may be added to  
costs assessed after the date of this Code revision but  
may also be utilized for fees incurred prior to the  
revision but such fees shall be deducted from amounts  
due.

1. With the consent of the Magistrate, there  
is hereby established a Court Collection Service Fee,  
which shall be paid exclusively by persons, probationers,  
defendants, businesses or corporations with monetary  
obligations that are in default (minimum of 60 days  
delinquent) to the Municipal Court and the obligations  
are collected by a collection agency and/or attorney.

2. With the consent of the Magistrate the Municipal Court is authorized to engage the services of collection agency(s) or attorney(s) in accordance with any applicable statutes, regulations and procedures governing the procurement of such services.

3. With the consent of the Magistrate the Municipal Court is authorized to impose a "Court Collection Service Fee" to be charged to each person, defendant, probationer, business or corporation defaulting on a monetary obligation owed the Court or a department of the Court. The "Court Collection Service Fee" shall be an amount equal to fees and charges assessed by a collection agency that is licensed pursuant to Title 32, Chapter 9, Article 2 of the Arizona Revised Statutes, or by a duly licensed attorney who is engaged by the court or collection agency to collect such payment.

4. All persons, defendants, probationers, businesses or corporations that owe a monetary obligation to the Municipal Court or any departments of the Court, shall be assessed a Court Collection Service Fee of up to thirty-five per cent (35%) of the unpaid balance on any financial obligation(s) in default. Pursuant to A.R.S. § 22-404, the fee established by this ordinance is to be exclusively attributable to and defray or cover the expense of the collection services for which the fee is assessed. The Court Collection Service Fee shall not exceed the actual cost of collection services rendered.

5. If the person, business or corporation pays all or part of a financial obligation over time, the collection service fee shall be collected as a percentage of each payment.

Section 3: SEVERABILITY

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.

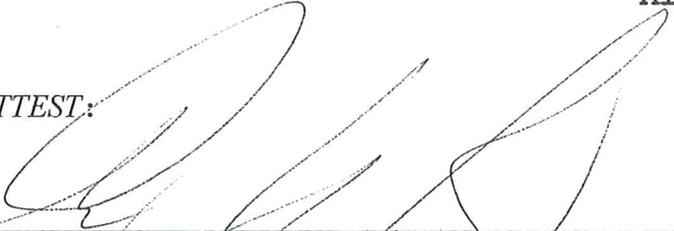
Section 4: CONFLICTS

All ordinances and parts of ordinances, in conflict with the provisions of this ordinance or any part of the section of Code adopted herein, are hereby repealed.

13<sup>th</sup> PASSED and ADOPTED by the San Luis City Council on the  
day of Sept. 2000.

  
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Alex Joe Harper, Mayor

ATTEST:

  
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Alex U. Ruiz, City Administrator/Clerk

APPROVED AS TO FORM:

  
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Gerald W. Hunt  
City Attorney