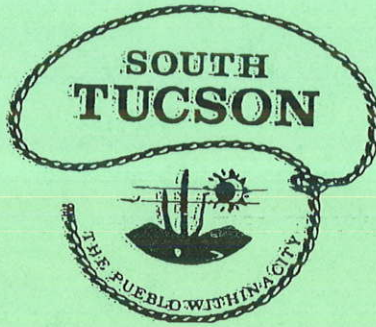


Chapter 12
MAGISTRATE'S COURT*

***Cross reference**—General penalty for violation of Code, § 1-5.
State law reference—Police courts, A.R.S. § 22-401 et seq.



CITY OF SOUTH TUCSON ORDINANCE NO: 13-02

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 AND REVISING SECTION 12-7, 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 and Revising 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 and revised as follows:

Sec. 12-7(a) (1) Court Abstract Fee A fee of forty dollars (\$40.00) shall be assessed and collected per civil traffic charge from those persons requesting a court abstract for purposes of driver=s license reinstatement, or missing a scheduled payment or having defaulted on a civil traffic charge. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

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. This fee shall also be imposed on persons or business entities that have defaulted or have missed a payment due to the Court. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

Sec. 12-7(a) (9) *Court Technology Enhancement 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. This fee shall also be imposed on persons or business entities that have defaulted or have missed a payment due to the Court. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

SECTION 3: That Ordinance 13-02 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. Due to an existing emergency declared herein, the immediate effectiveness of this Ordinance is necessary to preserve the peace, health, and safety of the City of South Tucson, Arizona, and this Ordinance shall therefore be effective upon its passage and adoption by the Council.

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 March 11, 2013.

PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 11th day of March, 2013.

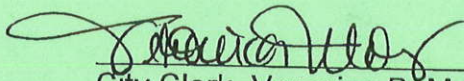
APPROVED/EXECUTED

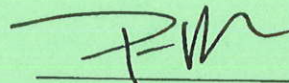


MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:



City Clerk, Veronica B. Moreno

City Attorney, Patrick Alan Moran, Esq.



CITY OF SOUTH TUCSON ORDINANCE NO: 13-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA RELATING TO THE MAGISTRATE COURT, ESTABLISHING A HOME DETENTION PROGRAM BY AMENDING CHAPTER 12 BY ADDING SECTION 12-9 THERETO AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, increased incarceration costs are causing significant budget impact on the City of South Tucson and the Magistrate Court and the City Attorney are striving to reduce these costs to the City;

WHEREAS, there has become available an alternative to jail time through a home detention program in the City of South Tucson;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The South Tucson City Code, Chapter 12 is hereby amended by adding Section 12-9 as follows

Sec. 12-9. Home Detention Program

There is hereby established in the Magistrate Court a home detention program for offenders who are sentenced to jail confinement under A.R.S. §§ 28-1381 and 28-1382 and also other offenses that are deemed appropriate by the City Attorney and the Presiding Judge. The home detention program is governed by the provisions of A.R.S. § 9-499.07, and will be administered in compliance with those provisions. (Ord. 13-01, 2/11/13)

SECTION 2: That Ordinance 13-01 of the City of South Tucson entitled "Magistrate Court-Home Detention Program" is hereby adopted, an emergency is hereby declared and all ordinances or parts of ordinances in conflict herewith are hereby amended.

SECTION 3: 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 4: 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 5: 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 6: 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.

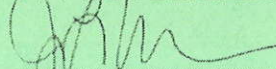
SECTION 7: The City Clerk is ordered and directed to cause this Ordinance to be published and posted as required by the South Tucson City Code and by state law.

SECTION 8: 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 9: The Ordinance shall be effective on March 1, 2013.

PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 11th day of February, 2013.

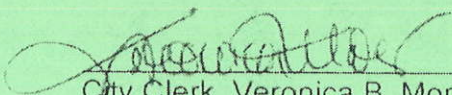
APPROVED/EXECUTED




MAYOR, JENNIFER ECKSTROM

ATTEST:

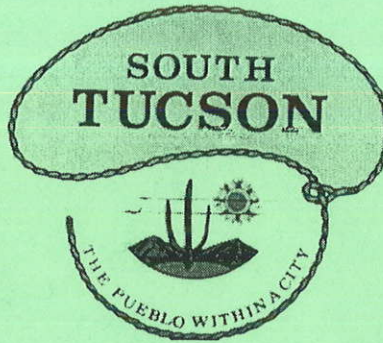
APPROVED AS TO FORM:



City Clerk, Veronica B. Moreno



City Attorney, Patrick Alan Moran, Esq.



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

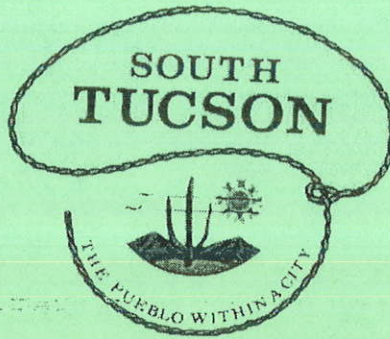
MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:

City Clerk, Veronica B. Moreno

City Attorney, Hector M. Figueroa



CITY OF SOUTH TUCSON ORDINANCE NO: 10-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, ESTABLISHING A COMMUNITY COURT FEE RELATED TO THE DIVERSION PROGRAM WITH A MAXIMUM AMOUNT OF \$500.00 WHICH SHALL BE ASSESSED AND IMPOSED BY THE COURT ON ALL DEFENDANTS PLACED ON THAT PROGRAM, AMENDING CHAPTER 12, SECTION 12-7(a)(4) 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 Community Court Fee to be assessed and imposed by the Court on all defendants placed in the Diversion Program for Driving on Suspended License violations 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(a) (4) is hereby amended to increase the maximum community court fee amount to \$500.00 and all other applicable 12-7 code subsections shall remain unchanged and shall conform to this Amendment.

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, community service programs, or supervised probation subject to South Tucson City Code Sections 12-7(b) and (c).

(Ord. 02-04, 8/12/02 as amended by Ordinance 10-01, (April 26, 2010)

SECTION 3: That Ordinance 10-01 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 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 May 1, 2010.

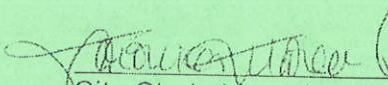
PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 26th day of April, 2010.

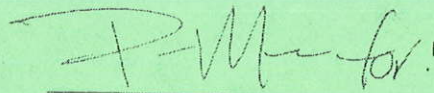
APPROVED/EXECUTED

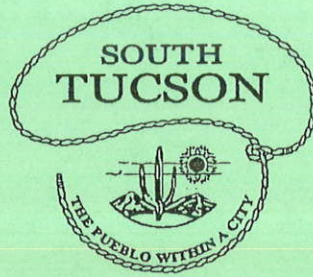

MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:


City Clerk, Veronica B. Moreno


City Attorney, Hector M. Figueroa



CITY OF SOUTH TUCSON ORDINANCE NO. 09-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, ADOPTING AN AMENDMENT TO CHAPTER 12, MAGISTRATE COURT, SECTION 12-3; REPEALING CURRENT SECTION 12-3; SETTING AND EFFECTIVE DATE.

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 Section 12-3**" be and is hereby adopted for the purpose of amending Section 12-3 and 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. 12-3 is hereby amended and all other sections and subsections of Chapter 12 shall remain unchanged and shall conform to this Amendment.

Sec. 12-3: Absence of Magistrate.

If the Magistrate is incapacitated, the Presiding Judge of the Pima Court Superior Court may be called upon by the Mayor to preside over the Magistrate Court in the Magistrate's absence. If the Magistrate is temporarily absent, the Chief Magistrate may appoint and call upon a Judge Pro Tempore to temporarily preside over the Magistrate Court. The qualifications for a City of South Tucson Judge Pro Tempore shall be the same as those required to be a Judge Pro Tempore for the Pima County Consolidated Justice Courts.

Section 3: That Ordinance 09-04 of the City of South Tucson entitled [FULL TITLE OF ORD] is hereby adopted.

Section 4: All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: 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 6: 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 7: 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 8: 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 prevails.

Section 9: 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 10: 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 Mayor and Council perform three readings, conduct a public hearing, publication as required by law, passage and adoption thereof

PASSED AND ADOPTED by the Mayor and Council of the City of South Tucson, Arizona, this 27th day of September, 2009.

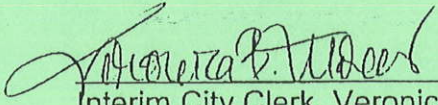
APPROVED/EXECUTED



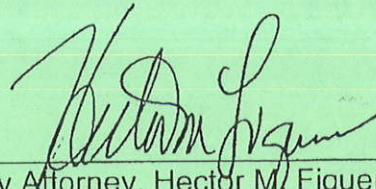
Jennifer Eckstrom, Mayor

ATTEST:

APPROVED AS TO FORM:

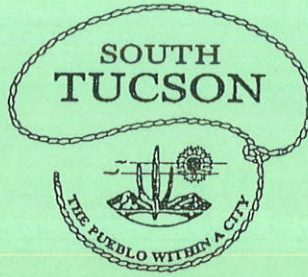


Interim City Clerk, Veronica B. Moreno



City Attorney, Hector M. Figueroa

Publish: September 4 and September 8, 2009
Public Hearing: September 14, 2009



CITY OF SOUTH TUCSON ORDINANCE NO. 07-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AMENDING §12-7(a)(4), COMMUNITY COURT FEE AND ADDING §12-7(a)(19) ESTABLISHING A COURT CASE PROCESSING FEE IN THE AMOUNT OF \$20.00 PER CITATION WHICH SHALL BE APPLIED BY THE COURT ON ALL CASES, FINES, SANCTIONS, PENALTIES AND ASSESSMENTS IMPOSED BY THE COURT OF CITY CODE CHAPTER XII

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's Court, be and is hereby adopted for the purpose of amending §12-7(a)(4) and adding §12-7(a)(19) establishing a Court Case Processing Fee to be applied by the Court on all cases, fines, sanctions, penalties and assessments imposed by the Court and to and are hereby referred to, adopted, and made part thereof, as if fully set out in this ordinance, with additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. That the City of South Tucson Code, Chapter XII, Sec. 12-7(a)(4) is hereby amended and §12-7 (a)(19) is added and all other applicable §12-7 code subsections shall remain unchanged and shall conform to this Amendment.

SEC. 12-7(a)(4) Community court fee. A maximum fee of one hundred fifty dollars (\$150.00) shall be assessed and collected from those persons participating in diversion; supervised probation; or community service programs subject to §§12-7(b) and (c).

SEC. 12-7(a)(19) Court case processing fee. The City of South Tucson Magistrate Court shall impose a court case processing fee in the amount of \$20.00 per citation which shall be applied by the court on all fines, sanctions, penalties and assessments

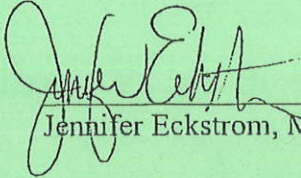
imposed by the court subject to §§12-7(b) and (c).

SECTION 3. That ordinance 02-04, 8/19/2002 of the City of South Tucson entitled [FULL TITLE OF ORD] and all ordinances or parts of ordinances in conflict herewith are hereby amended.

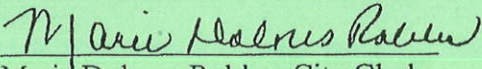
SECTION 4. That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be maintained and/or published as required by law; That the Ordinance shall be effective upon three readings, its passage and adoption and upon posting in compliance with A.R.S. Sec. 9-813 in three public places.

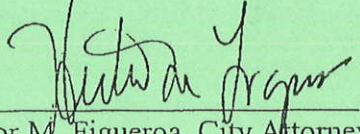
PASSED, ADOPTED and APPROVED by the Mayor and Council of the City of South Tucson, Arizona, this 14th day of May, 2007.


Jennifer Eckstrom, Mayor

ATTEST:


Marie Dolores Robles, City Clerk

APPROVED AS TO FORM:


Hector M. Figueroa, City Attorney

Sec. 12-1. Established; jurisdiction.

There is hereby established in the city a magistrate's court. The court shall have jurisdiction of all violations of this Code, and jurisdiction concurrently with justices of the peace of precincts in which the city is located of violation of laws of the state committed within the city. (Code 1976, Ch. III, Art. I)

Sec. 12-2. City magistrate generally.

The presiding officer of the magistrate's court shall be the city magistrate. The magistrate shall be appointed by the council at its first meeting in each odd-numbered year unless sooner removed for cause.

(Code 1976, § 3.101)

Cross references—Officers and employees generally, § 2-51 et seq.; personnel, Ch. 17.

Sec. 12-3. Absence of magistrate.

If the magistrate is temporarily absent or is incapacitated, the nearest justice of the peace within the county may be called by the mayor to preside over the magistrate's court. (Code 1976, § 3.102)

Sec. 12-4. Powers and duties of city magistrate.

The powers and duties of the magistrate include:

- (1) The powers and duties provided by law, ordinance and resolution.
- (2) The duty to keep a docket in which shall be entered each action and the proceedings of the court therein.
- (3) The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- (4) The duty to pay all fees, fines, penalties and other monies collected by the court to the treasurer.
- (5) The duty to submit a monthly report to the council summarizing court activities for that month.

(6) The duty to prepare a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

(7) The duty to designate a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court. (Code 1976, § 3.103)

Sec. 12-5. Procedure and proceedings.

The proceedings and procedure in the magistrate's court shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this Code and resolutions of the city are not in conflict therewith.

(Code 1976, § 3.104)

Sec. 12-6. Writs and processes; oaths.

(a) For the proper carrying out of the jurisdiction vested in the magistrate's court the magistrate may issue and cause to be served any and all writs and processes and may hear and determine all matters properly coming before the court and coming within the court's jurisdiction. The writs and processes to be used shall be similar to those used by justices of the peace in cases of a similar nature. A proper record shall be kept of the issuance of writs and processes and returns, and of any and all other actions taken relative thereto, and the actions of the court thereon. Any person may be authorized by the court and directed to execute and serve writs and processes issued out of the court and a proper return shall be made by such person to the same extent as is required of constables and sheriffs in the service and execution of similar papers.

(b) Other methods for service of writs and processes that may from time to time be authorized by the state law shall be valid.

(c) The magistrate may administer oaths to witnesses and all oaths necessary or incident to the performance of the duties of office.

(Code 1976, § 3.105)

Sec. 12-7. Fees; dilatory actions of person cited into magistrate's court.

(a) There is hereby established the following list of fees:

- (1) *Court abstract fee.* A fee of twenty dollars (\$20.00) shall be assessed and collected from those persons requesting a court abstract for purposes of drivers license reinstatement.
- (2) *Quashing warrant fee.* A fee of twenty dollars (\$20.00) 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.
- (3) *Order to show cause fee.* A fee of twenty dollars (\$20.00) 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 failure to pay fines or fees was the result of volitional conduct.
- (4) *Community court fee.* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons participating in diversion; supervised probation; or community service programs.
- (5) *Drug court fee.* A fee of forty dollars (\$40.00) shall be assessed and collected from those persons participating in the drug court program.
- (6) *Default fee.* A fee of twenty dollars (\$20.00) shall be assessed and collected from those persons or business entities responding to a default judgement whenever it shall appear that that the failure to pay fines or fees was the result of volitional conduct.
- (7) *Dilatory/late payment fee.* A fee of twenty dollars (\$20.00) shall be assessed and collected from those persons that have been ordered to pay fines, penalties, or other fees and having failed to pay by date ordered.
- (8) *Time payment fee.* A fee of twenty dollars (\$20.00) shall be assessed and collected from those persons who request and are granted a monthly payment plan to pay fines and fees.
- (9) *Court technology enhancement fee.* A fee of seventeen dollars (\$17.00) 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.
- (10) *Administrative attorney fee.* A fee of twenty-five dollars (\$25.00) shall be assessed and collected from those persons who are appointed a defense attorney by the court.
- (11) *Research and locate fee.* A fee of seventeen dollars (\$17.00) shall be assessed and collected from those persons who request records in archive.
- (12) *Fee for certified records.* A fee of fifty cents (\$0.50) per page shall be assessed and collected from those persons requesting certified copies of court records.
- (13) *Fee for non-certified records.* A fee of fifty cents (\$0.50) per page shall be assessed and collected from persons requesting court records.
- (14) *Jury cancellation fee.* A fee of one hundred dollars (\$100.00) shall be assessed and collected from any party or that party's attorney who requests a jury trial within the South Tucson City Court, if, after the court has arranged for the paneling of a jury, the party or the party's attorney decides to not proceed with the jury trial.
- (15) *Fee for probation surcharge.* A fee of five dollars (\$5.00) shall be assessed and col-

lected from those persons who are sentenced to a term of probation on any misdemeanor or code violation, except parking violations.

vocation of a license, permit or franchise or other equitable relief except as otherwise provided elsewhere in the Code.

(Ord. No. 02-04, § 2, 8-12-02)

- (16) *Fee for costs of incarceration.* Municipal courts are mandated to order a person convicted of a misdemeanor and sentenced to a term of incarceration to reimburse the costs of incarceration.
- (17) *Fee for costs of attorney services.* Persons who cannot financially afford to hire an attorney and are therefore appointed an attorney by the court are mandated to reimburse the costs of attorney's services.
- (18) *Eliminated fees: Order of protection and injunction against harassment.* Effective August 22, 2002, service of process fees are eliminated.

(b) The magistrate shall retain discretion in all cases to waive, reduce or delay the collection of these fees whenever appropriate. It shall nonetheless be their general rule that all fees established pursuant to this section shall be assessed in full and collected in full immediately.

(c) Any portion of this section found to be unlawful or unenforceable shall be severed from this section and the balance shall remain in force. (Ord. No. 98-04, 6-8-98; Ord. No. 02-04, § 2, 8-19-02)

Sec. 12-8. Violation of code compliance; penalty.

Failure to comply with Code requirements; with any order made by duly appointed officials as affirmed or modified by mayor and council or any court of competent jurisdiction with the time fixed, or from which order no appeal is taken, for each and every violation or instance of non-compliance or failure to comply with any lawful order issued by a duly appointed official, shall respectively be subject to the penalty prescribed pursuant to Chapter 1, section 1-5; fine up to one thousand dollars (\$1,000.00) and imprisonment/confinement up to one hundred eighty (180) days plus eighty (80) percent surcharges as mandated by the legislature on/after August 22, 2002 or any combination thereof, including suspension or re-