

**ORDINANCE NUMBER 16-09**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING “CHAPTER 5 MUNICIPAL COURT” BY REFERENCE AND AMENDING CERTAIN PROVISIONS OF SECTIONS 5-1 THROUGH 5-105 OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, that certain document known as “Chapter 5 Municipal Court” was adopted as a public record by Resolution 16-27 on September 6, 2016; and

**WHEREAS**, on June 1, 2004, the City of Maricopa adopted Chapter 5 Municipal Court as part of the City Code; and

**WHEREAS**, on September 21, 2010, the City of Maricopa adopted Ordinance 10-09 revising Chapter 5 of the City Code

**WHEREAS**, on January 15, 2013, the City of Maricopa adopted ordinance 13-02 adding Article V regarding Home Detention and Continuous Alcohol Monitoring Program to Chapter 5 of the City Code; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Chapter 5 of the Maricopa City Code would be in the best interest of the City of Maricopa; and

**WHEREAS**, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

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

**SECTION 1.** Pursuant to Arizona Revised Statutes Section 9-802, that certain document known as “CHAPTER 5 MUNICIPAL COURT” of the Maricopa City Code, a copy of which is on file in the office of the City Clerk of the City of Maricopa, Arizona, which document was made a public record by Resolution 16-27 of the City of Maricopa, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

**SECTION 2.** Chapter 5 of the Maricopa City Code and all amendments thereto are hereby repealed in their entirety and replaced with Chapter 5 Municipal Court which was made public record by Resolution 16-27 of the City of Maricopa, Arizona.

**SECTION 3.** Chapter 5 of the Code of the City of Maricopa contains the following fees or assessments:

- A. Pursuant to Section 5-53, 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 Arizona Revised Statutes Sections 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.
- B. Pursuant to Section 5-55, for each case involving a criminal, criminal traffic, or civil traffic offense, the municipal court shall assess each person a Case Processing Fee of not more than \$20 for each case in which there is an adjudication adverse to the person in that matter. For purposes of this Section, adverse adjudication shall include any and all determinations of guilt or responsibility including “no contest” pleas in criminal matters, irrespective of the punishment or penalty imposed by the city judge.
- C. Pursuant to Section 5-56, when the municipal court issues a warrant for failure to appear, non-compliance with any court order, failure to pay a fine, failure to pay restitution, or failure to pay any other fees or penalties, the judge may impose an administrative fee of not more than \$75 upon the person for whom the warrant is issued. This fee shall be added to the sum or sums set forth in the warrant.
- D. Pursuant to Section 5-57, the municipal court may assess each person who receives the services of a court-appointed defense attorney and against whom an adjudication of guilt, including pleas of no contest, is entered, a defense appointment fee. The amount of the fee is at the discretion of the judge, who shall consider the nature, complexity and seriousness of the charges and services provided by the court-appointed defender, as well as the financial condition of the person.
- E. Pursuant to Section 5-58, the judge may assess a license reinstatement processing fee of not more than \$50 for processing requests for license reinstatement for those persons whose licenses were suspended, revoked or cancelled due to failure to comply with a lawful order of the municipal court.
- F. Pursuant to Section 5-59, in any civil violation or civil traffic matter where a default is entered against a person for failure to timely appear and defend or plead to the charge, a default processing fee of \$25 may be imposed against the person.
- G. Pursuant to Section 5-60, the municipal court may order a person who is convicted of a misdemeanor offense and who is sentenced to a term of incarceration to reimburse the city for the incarceration costs. The court may determine the amount of incarceration costs to be paid based on the following factors: (a) The per diem per person cost of incarceration incurred by the political subdivision that incarcerates the person. (b) The person's ability to pay part or all of the incarceration costs.

- H. Pursuant to Section 5-61, in addition to other fees established in this Article, a Deferred Prosecution and Probation Fee may be imposed on each criminal case for which the court defers prosecution of an offense or places an offender on probation for a criminal offense. The amount of the Deferred Prosecution and Probation Fee in each case, may not exceed \$150 for each case, and shall be determined by the judge who will base this determination upon the level of administrative services expected to be provided by the court or the city as a result of the deferred prosecution or period of probation.
- I. Pursuant to Section 5-61(b) (1), a fee may be assessed to cover the costs of providing, staffing, servicing, and maintaining magnetic, electronic, or other security devices, and such other costs associated with or incidental to providing a court security system for the benefit of employees and the public. The security fee shall not exceed five percent (5%) of the base fine or civil sanction imposed by the court.
- J. Pursuant to Section 5-61(b)(2), a resource protection fee may be assessed to cover administrative costs incurred as a result of the unnecessary expenditure of otherwise available resources on account of unreasonable delay, prolongation or duplication occasioned by litigants. The resource protection fee shall be in an amount of not more than actual costs involved, not to exceed \$1,000.00 per event, and may be assessed against litigants and/or their attorneys, but shall not be assessed against the state or any attorney appearing on behalf of the state. This fee shall not exceed actual costs involved and is intended to include, without limitation, the following:
- (i) In the case of a plea to the court on the day of a scheduled jury trial, the fees may include all jury related costs including but not limited to (1) fees paid to jurors who actually appeared for the jury trial, and (2) mailing costs incurred by the court to summon the jurors for that trial;
  - (ii) In the case of a plea to the court on the calendar call day which falls within the week of the scheduled jury trial, the fees shall be limited to the actual cost of the court to summon the jurors for that case.

**SECTION 4.** To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

**SECTION 5.** 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 6.** This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Maricopa, Arizona,  
this 6<sup>th</sup> day of September, 2016.

APPROVED:

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Christian Price  
Mayor

ATTEST:

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Vanessa Bueras, CMC  
City Clerk

APPROVED AS TO FORM:

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Denis Fitzgibbons  
City Attorney