ORDINANCE NO. 2792 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING
GLENDALE CITY CODE CHAPTER 13, ARTICLE I, SEC. 13-9
RELATING TO CITY COURT FEES; AND ESTABLISHING
AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 13 (City Court), Article I (In General), Sec. 13-9 (City Court Fees) is hereby amended by adding a new subsection (f) to read as follows:

Sec. 13-9. City court fees.

(a) The city court shall assess a court improvements fee, which shall be established and amended by resolution of council, on all fines or civil sanctions, except fines and civil sanctions for parking violations, imposed by the city court. The fee shall be collected and deposited in a separate fund established for the payment of expenses for technology, security or other needed improvements at the city court.

(b) The city court shall assess a default fee, which shall be established and amended by resolution of council, for each default judgment entered on a civil traffic violation upon failure to appear or failure to pay a civil sanction, unless such default judgment is set aside under rule 28 of the rules of procedure in civil traffic violation cases. A city judge may waive all or any part of the fee if the payment of the fee would cause a hardship to the defendant.

(c) A defendant who defaults in his or her obligation for the payment of monies owed or due to the city court including, but not limited to, restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and fees, is liable for any fees and charges assessed by a collection agency that is licensed pursuant to A.R.S. Tit. 32, Ch. 9, Art. 2 (A.R.S. § 32-1021 et seq.), and that is engaged by the city court to collect and enforce such payment. The collection fees and charges assessed by the collection agency shall be added to the sum or sums due from and chargeable against the defendant.

(d) The city court shall assess an administrative fee for the issuance of warrants issued by the city court. The warrant fee shall be established and amended by resolution of the council. A city judge may waive all or any part of the warrant fee if the payment of the warrant fee would cause a hardship to the defendant or to be in the best interest of justice.

(e) The city court shall assess a diversion fee, which shall be established and amended by resolution of council, in each case referred to a diversion program established by the city prosecutor pursuant to A.R.S. § 9-500.22. The fee shall be collected by the court and deposited

[Additions are indicated by <u>underline</u>; deletions by ~~strikeout.~~]

in a separate fund and applied to the city prosecutor's case management systems and technology expenses. A city judge may waive all or part of the diversion fee if the payment of the diversion fee would cause hardship to the defendant or otherwise be in the best interests of justice.

(f)   The city court shall assess a contract fee on each case where a payment contract is established at time of final adjudication on a court ordered penalty, fine, assessment or sanction including parking penalties and restitution. This fee is in addition to any other fees. A city judge may waive all or any part of the fee if the payment of the fee would cause a hardship to the defendant or would be in the best interests of justice. Funds collected under this provision shall be deposited in the Court Improvement Fund as established in Sec. 13-9(a).

(g) The amount to be charged by the city court for all fees set forth in this section is to be set by the presiding judge of the city.

SECTION 2. That the contract fee authorized by this ordinance shall become effective as of January 13, 2012.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of December, 2011.

Elaine M. Scruggs
M A Y O R

ATTEST:

Pamela Hanna
City Clerk   (SEAL)

APPROVED AS TO FORM:

Craig Tindall
City Attorney

REVIEWED BY:

Ed Beasley
City Manager

[**Additions are indicated by <u>underline</u>; deletions by ~~strikeout.~~]**