

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 08-22

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, AMENDING THE BUCKEYE CITY CODE, CHAPTER 5 MUNICIPAL COURT REGULATIONS, ARTICLE 5-4 COURT FEES, SECTION 5-4-1 COURT ENHANCEMENT FEE TO ESTABLISH A NEW OR INCREASED COURT ENHANCEMENT FEE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Buckeye Municipal Court (the “Court”) collects a Court Enhancement Fee, which is added to the amount of every fine levied against a person who has been convicted of a criminal offense, or who has been adjudged responsible for a civil traffic offense or participates in any court authorized diversion program, including authorized defensive driving courses; and

WHEREAS, pursuant to the provisions of A.R.S. § 9-499.15, the Mayor and City Council (collectively, the “Council”) of the City of Buckeye (the “City”) may increase fees or charges within the City where (i) a schedule of the proposed new or increased fees or charges has been prepared that includes the amount of the proposed new or increased fee or charge, (ii) a written report or data supporting the new or increased fee or charge has been prepared and made available to the public, (iii) a notice of intent to establish new or increased fees or charges has been adopted, and (iv) the schedule of the proposed new or increased fees or charges and the written report or data that supports the proposed new or increased fees or charges is posted on the home page of the City’s website at least sixty (60) days before the date the proposed new or increased fees or charges are approved or disapproved by the Council; and

WHEREAS, the City prepared a schedule of the proposed new or increased Court Enhancement Fee, and a written report supporting the proposed new or increased fee (the foregoing schedule and written report hereinafter collectively referred to as the “Report”); and

WHEREAS, the Council declared its intention to establish a new or increased Court Enhancement Fee, and gave notice of such intention in accordance with the requirements of A.R.S. § 9-499.15, by adopting Resolution No. 16-22 on February 1, 2022; and

WHEREAS, the City has complied with the notice requirements of A.R.S. § 9-499.15, and the Council now desires to establish a new or increased Court Enhancement Fee in line with the Report;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. The Buckeye City Code is hereby amended by amending Chapter 5 (Municipal Court Regulations), Article 4 (Court Fees), Section 1 (Court Enhancement Fee), Subsection C, to read as follows:

C. The court shall add to the amount of every fine levied against a person who has been convicted of a criminal offense, or who has been adjudged responsible for a civil traffic offense or participates in any court authorized diversion program, including authorized defensive driving courses, an administrative court enhancement fee, in the amount of ten dollars (\$10.00). This court enhancement fee shall not be imposed on civil parking violations. If a person has been convicted or adjudged responsible for more than one (1) offense in the same case, the fee shall be charged separately for each offense. All funds collected pursuant to this court enhancement fee shall be deposited into the court enhancement fund and disbursed only for the purposes set forth in this section.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City 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 5. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Buckeye, Arizona, this 5th day of April, 2022.

Eric Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

Shiela B. Schmidt, City Attorney