

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 2 - ADMINISTRATION AND PERSONNEL, CHAPTER 2.32 - MUNICIPAL COURT, SECTIONS 2.32.0300 - MUNICIPAL JUDGE—POWERS AND DUTIES AND 2.32.060 - PROCEEDINGS OF THE COURT; ALL RELATED TO COURT FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and Council desire to adopt certain regulations to protect the health, safety, and welfare of the Town of Youngtown and its residents; and

WHEREAS, the Mayor and Council desire to provide a simple and transparent description of municipal court fees to residents; and

WHEREAS, providing for a fee schedule will provide for a more efficient administration of municipal court fees for municipal court personnel and residents; and

WHEREAS, the State of Arizona has permitted the Town to establish and assess fees for court programs and services pursuant to A.R.S. § 22-404(E); and

WHEREAS, the Mayor and the Council desire to codify fees for diversion, prosecution, and court-appointed counsel in the Town Code to be assessed and deposited in the Court Enhancement Fund; and

WHEREAS, the Mayor and Council desire to provide the Municipal Judge with discretion to waive fees assessed under Section 2.32.060 in cases where payment would cause undue hardship to the defendant or otherwise would not be in the best interests of justice;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 2 – Administration and Personnel, is hereby amended by revising Sections 2.32.030 – Municipal judge—Powers and duties, and 2.32.060 - Proceedings of the court to read as follows (deleted text appears in ~~strikeout~~):

2.32.030 - Municipal judge—Powers and duties.

A. The powers and duties of the municipal judge shall include:

* * *

4. Collecting administrative fees, surcharges and enforcement fees for criminal fines and civil sanctions IN ACCORDANCE WITH THE ADOPTED FEE SCHEDULE;

5. Assessing an administrative fee IN ACCORDANCE WITH THE ADOPTED FEE SCHEDULE ~~not to exceed two hundred fifty dollars (\$250.00)~~ for issuing or quashing a warrant, failing to pay a court fine, jail fee, restitution, civil traffic sanction, or other civil sanction, or failing to comply with a civil order regarding probation, counseling classes or diversion program;

* * *

2.32.060 - Proceedings of the court.

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4. Court Enhancement Fund.

- a. There is created a court enhancement fund, which shall be used exclusively to enhance the technological and operation capabilities of the municipal court, including, but not limited to, the operation of the judicial collection program. Pursuant to A.R.S. Section 22-404(E), these fees shall be assessed in all cases in which a sanction, fine, penalty, forfeiture or diversion is entered.
- b. The court enhancement fund shall be funded by the following IN AMOUNTS IN ACCORDANCE WITH THE ADOPTED FEE SCHEDULE:
 - i. A court enhancement fee ~~or default fee in the amount of thirty-six dollars and eighty cents (\$36.80) per charge;~~
 - ii. A ~~minimum~~ default fee of ~~twenty-five dollars (\$25.00), or as determined by the municipal judge;~~
 - iii. Checks returned to the court for non-sufficient funds ~~in the amount of thirty-five dollars (\$35.00);~~
 - iv. Bond forfeitures not applied to fines;
 - v. ~~A marriage license fee of five dollars;~~
 - vi. A DIVERSION FEE IN EACH CASE REFERRED TO A DIVERSION PROGRAM ESTABLISHED BY THE TOWN PROSECUTOR PURSUANT TO A.R.S. § 9-500.22;
 - vii. A PROSECUTION FEE PER MISDEMEANOR CITATION;
 - viii. A PROSECUTION FEE FOR A VIOLATION OF TITLE 28, CHAPTER 4, ARIZONA REVISED STATUTES
 - ix. A COURT-APPOINTED COUNSEL FEE TO EACH DEFENDANT WHO IS APPOINTED COUNSEL;
 - x. A COURT-APPOINTED COUNSEL FEE FOR A VIOLATION OF TITLE 28, CHAPTER 4, ARIZONA REVISED STATUTES.
 - xi. THE PRESIDING JUDGE MAY WAIVE ALL OR PART OF THE FEES ASSESSED PURSUANT TO THIS SECTION IF THE PAYMENT OF THE FEE WOULD CAUSE HARDSHIP TO THE

DEFENDANT OR OTHERWISE BE IN THE BEST INTERESTS
OF JUSTICE.

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for 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.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 1st day of May, 2025, by the following vote:

AYES: 7

NAYES: 0 ABSENT: 0

EXCUSED: 0 ABSTAINED: 0


APPROVED this 1st day of May, 2025.


Michael E. DeVault, Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM:


Pierce Coleman PLLC
Town Attorneys
By Trish Stuhan

I, Nicole Smart, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO.2025-03 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 1ST DAY OF MAY, 2025. WAS POSTED IN THREE PLACES ON THE 7th DAY OF may, 2025.

Nicole Smart
Town Clerk