

TOWN OF CAREFREE, ARIZONA

ORDINANCE 2003-05

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA, BY AMENDING SECTION 4-7-1 AS SET FORTH IN ORDINANCE 2002-12, ADDING PARAGRAPH B. (5) TO ASSESS A DIVERSION FEE NOT TO EXCEED \$100, DECLARING AN EMERGENCY AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THE CHANGED SECTION 4-7-1 INTO THE TOWN CODE OF THE TOWN OF CAREFREE WITH AN EMERGENCY CLAUSE.**

BE IT ORDAINED by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, that Chapter 4 of the Town Code of the Town of Carefree is amended by the revision of Section 4-7-1 which reads in its entirety as follows:

Section 4-7-1 Court Enhancement Fund

- A. There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological, operational, and security capabilities of the Magistrate Court, including the operation of a Judicial Collection Program.
- B. The court enhancement fund shall be funded by:
- (1) An enhancement fee in the amount of eighteen (\$18.00) dollars which includes applicable state surcharges, shall be charged by the Magistrate Court to each person against whom a fine, penalty, and forfeiture is imposed by court order and shall be in addition to fees assessable by statute.
  - (2) A civil traffic default judgment fee in the amount of twenty-five (\$25.00) dollars, which shall be charged by the Magistrate Court to each person (in addition to any civil sanction imposed) for which a default judgment is entered for failure to appear on a civil traffic violation case, unless such default judgement is set aside pursuant to Rule 28 of Arizona Rules of Court Procedure in Civil Traffic Cases. The Municipal Judge may waive all or any part of the fee if the payment of the fee would cause undue hardship to the defendant.
  - (3) A suspension fee in the amount of twenty-five (\$25.00) dollars, which shall be charged by the Magistrate Court to each person (in addition to any civil sanction and default judgement fees imposed) for which an MVD eligible suspension is entered for failure to appear or failure to pay on a civil traffic violation case.
  - (4) An administrative fee not to exceed two hundred (\$200) dollars for the issuance of a warrant due to the failure of a defendant to appear or to pay any fine, fee, or restitution imposed by the Court or the failure of a defendant to comply with any other sanction or any other order

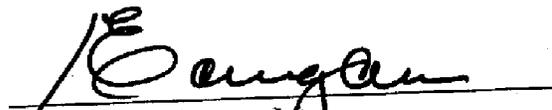
regarding probation, counseling, or diversion programs.

(5) An administrative fee not to exceed one hundred (\$100) dollars to any defendant who is permitted and elects to participate in any counseling or diversionary programs as an alternative to a judicial resolution of any charge against the defendant.

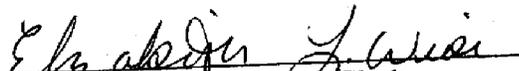
C. The court enhancement fund shall be established as a designated fund account of the Town. The Magistrate Court shall collect the "court enhancement fee", "default judgment fee", "suspension fee", and "warrant fee" and deposit them in the court enhancement fund account. The monies in the fund shall be invested in the same manner as other Town funds. Interest earned on fund monies shall be deposited in the fund.

BE IT FURTHER ORDAINED that the Town Clerk of the Town of Carefree incorporate the new wording for Section 4-7-1 B (5) into the Town Code of the Town of Carefree, declaring it an emergency and the Ordinance shall be in full effect from and after its passage and approval by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, this 1st day of April, 2003.

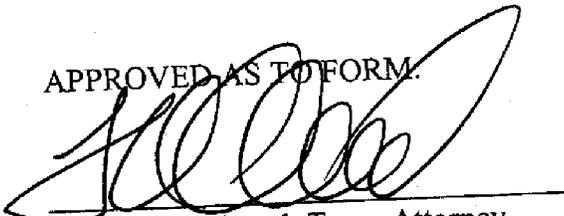
6 AYES 1 NOES 0 ABSTENTIONS 0 ABSENT

  
Edward C. Morgan, Mayor

ATTEST:

  
Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM.

  
Thomas K. Chenal, Town Attorney

Date Published 4/23 & 24/03  
4/18 & 4/25/2003  
Newspaper Sonoran News Gila Bend Sun  
Record Reported