

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE,  
MARICOPA COUNTY, ARIZONA, RESCINDING ORDINANCES 2002-12 AND 2013-  
08 AND ENACTING THIS NEW ORDINANCE REESTABLISHING COURT FEES AND  
CLARIFYING LANGUAGE TO COMPLY WITH THE MOST RECENT ARIZONA  
REVISED STATUTES**

**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:

- A. There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological, operational and security capacities of the Magistrate Court including the operation of the Judicial Collection Program.
- B. The court enhancement fund shall be funded by:
1. An enhancement fee in the amount of twenty-five dollars (\$25.00) 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 judgment 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 for which an MVD eligible suspension is entered for failure to pay on a criminal 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.
- 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 (A) and (B1, 2., 3, and 4), into the Town Code of the Town of Carefree, declaring it an emergency and the Ordinance shall be in full effect on September 29, 2021 after its passage and approval by the Mayor and Common Council of the Town of Carefree, Maricopa County, Arizona, this 7<sup>th</sup> day of September, 2021.

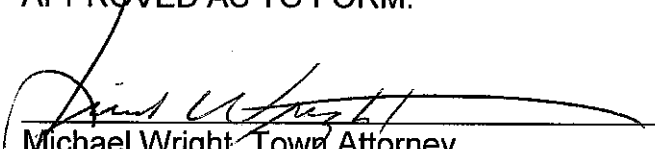
6 AYES    ~~0~~ NOES    ~~0~~ ABSTENTIONS    ~~0~~ ABSENT

  
\_\_\_\_\_  
Les Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Kandace French Contreras, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael Wright, Town Attorney