

## CITY OF SOUTH TUCSON ORDINANCE NO: 13-02

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**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AMENDING THE MINIMUM REGULATIONS GOVERNING THE MAGISTRATE COURT, AMENDING/REVISING CHAPTER 12, MAGISTRATE COURT, BY AMENDING AND REVISING SECTION 12-7, AND DECLARING AN EMERGENCY TO EXIST.**

**BE IT ORDAINED** by the Mayor and Council of the City of South Tucson, Arizona as follows:

**SECTION 1:** That the City Code and subsequent adoptions, amendments, deletions or modifications are on file with the City Clerk in the South Tucson Complex including this Code Amendment marked and designated as Chapter 12, Magistrate Court, be and is hereby adopted for the purpose of Amending and Revising Fees to cover assessments imposed by the Court and are hereby referred to, adopted, and made part thereof as prescribed in Section 2 of this Ordinance.

**SECTION 2:** That the City of South Tucson Code, Chapter 12, Sec. 12-7, subsections enumerated below are amended and revised as follows:

**Sec. 12-7(a) (1) *Court Abstract Fee*** A fee of forty dollars (\$40.00) shall be assessed and collected per civil traffic charge from those persons requesting a court abstract for purposes of driver=s license reinstatement, or missing a scheduled payment or having defaulted on a civil traffic charge. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

**Sec. 12-7(a) (6) *Default Fee*** A fee of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities responding to a Default Judgment whenever it shall appear that the failure to appear or the failure to pay fines or fees was the result of volitional conduct. This fee shall also be imposed on persons or business entities that have defaulted or have missed a payment due to the Court. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

**Sec. 12-7(a) (9)** *Court Technology Enhancement Fee* of forty dollars (\$40.00) shall be assessed and collected from those persons or business entities who have had their cases referred to a collection agency, or a collection enforcement program. This fee shall also be imposed on persons or business entities that have defaulted or have missed a payment due to the Court. (Ord. 02-04, 8/12/02 as amended by Ordinance 11-02, 7/11/11, as amended by Ordinance 13-02, 3/11/13)

**SECTION 3:** That Ordinance 13-02 of the City of South Tucson entitled Amendments and Revisions to Chapter 12" is hereby adopted, an emergency is hereby declared and all ordinances or parts of ordinances in conflict herewith are hereby amended. Due to an existing emergency declared herein, the immediate effectiveness of this Ordinance is necessary to preserve the peace, health, and safety of the City of South Tucson, Arizona, and this Ordinance shall therefore be effective upon its passage and adoption by the Council.

**SECTION 4:** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, the City of South Tucson, Arizona, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase, irrespective of the fact that any sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 5:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 6:** That the various City Officers and Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and the City Code.

**SECTION 7:** That where this Ordinance conflicts or overlaps with any other Ordinance, Code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail.

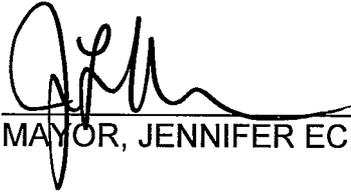
**SECTION 8:** The City Clerk is ordered and directed to cause this Ordinance to be published and posted as required by the South Tucson City Code and by state law.

**SECTION 9:** The City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record as required by law. This Ordinance shall become effective after posting and publication as required by law and passed and adopted by Mayor and Council.

**SECTION 10:** The Ordinance shall be effective on March 11, 2013.

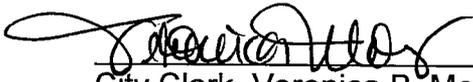
**PASSED, ADOPTED and APPROVED** by the Mayor and Council of the City of South Tucson, Arizona, this 11<sup>th</sup> day of March, 2013.

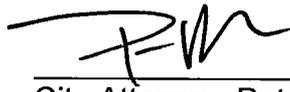
**APPROVED/EXECUTED**

  
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MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Clerk, Veronica B. Moreno

  
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City Attorney, Patrick Alan Moran, Esq.