

ORDINANCE NO. 2018-1386

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR CITY CODE ARTICLE 6-3 RELATED TO FEES ASSESSED BY THE MUNICIPAL COURT; AND PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona approved the Goodyear Municipal User Fee Schedule with the adoption of Resolution 10-1357 on May 10, 2010; and

WHEREAS, pursuant to the User Fee Schedule adopted, the Default Fee for Failure to Appear or Pay a Civil Sanction is \$35 and the Administrative Fee for Participation in a Counseling or Division Program is \$100; and

WHEREAS, Goodyear City Code, Section 6-3-3 previously enacted a Default Fee of \$25 with the adoption of Ordinance 99-641 on February 8, 1999 and requires amendment to remain consistent with the \$35 Default Fee pursuant to the adopted User Fee Schedule; and

WHEREAS, Goodyear City Code, Section 6-3-6 previously enacted an Administrative Fee of \$40 with the adoption of Ordinance 98-602 on April 27, 1998 and requires amendment to remain consistent with the \$100 Administrative Fee pursuant to the adopted User Fee Schedule; and

WHEREAS, with the adoption of Ordinance 98-602, the Mayor and Council of the city of Goodyear, Arizona also approved the creation of a Court Enhancement Fund, which shall be used exclusively to enhance the technological and security capabilities of the court and shall be funded by an enhancement fee in the amount of \$10 on all fines, sanction, penalties and assessments imposed by the city court; and

WHEREAS, the Goodyear Municipal Court is requesting the Court Enhancement Fee be increased from \$10 to \$20 to continue supplementing the on-going technological and security needs within court operations, therefore requiring Goodyear City Code Section 6-3-5 be amended to reflect the requested increase.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. GOODYEAR CITY CODE, SECTION 6-3-3 ENTITLED DEFAULT FEE, IS HEREBY AMENDED TO READ AS FOLLOWS:

Commencing on the first day of December 1995, the Municipal Judge or hearing officer of the court shall assess a defendant a default fee of \$35 for each default judgment entered in a civil traffic violation case upon a failure of such defendant to appear or upon such defendant's failure to pay a civil sanction, unless such default judgment is set aside under Rules of Procedure in Civil Traffic Violation

Cases, Rule 28. The Municipal Judge or hearing officer may waive all or any part of the fee if the payment of the fee would cause undue hardship to the defendant.

SECTION 2. GOODYEAR CITY CODE, SUBSECTION 6-3-5(B) ENTITLED COURT ENHANCEMENT FUND, IS HEREBY AMENDED TO READ AS FOLLOWS:

(B) The Court Enhancement Fund shall be funded by an enhancement fee in the amount of \$20 which shall be applied by the city court on all fines, sanctions, penalties and assessments imposed by the city court. The enhancement fee shall also apply to fees collected for court authorized diversion programs. COURT AUTHORIZED DIVERSION PROGRAM, as used in this section, means a program in which an individual charged with any civil, criminal or petty offense is not prosecuted for the offense on successful completion of an authorized diversion program and it includes authorized defensive driving courses.

SECTION 3. GOODYEAR CITY CODE, SECTION 6-3-6 ENTITLED ADMINISTRATIVE FEE, IS HEREBY AMENDED TO READ AS FOLLOWS:

The city court may assess and collect an administrative fee of \$100 with regard 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.

SECTION 4. CORRECTIONS

The City Attorney, City Clerk, the codifiers of this ordinance and their respective designees are authorized to make necessary clerical corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, numbers, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance 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 6. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of the any ordinance, regulation, or requirement of the city of Goodyear being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

