

**ORDINANCE NO. 09-717**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING ORDINANCE NO. 08-710 AND AMENDING THE TOWN OF CHINO VALLEY CODE OF ORDINANCES, CHAPTER 34 "COURT" SECTION 34.21 "ESTABLISHMENT OF FUNDS AND ALLOCATION OF FEES" AND SECTION 34.22 "ESTABLISHMENT OF COURT FEES."**

**WHEREAS**, the Town of Chino Valley ("**Town**") has experienced increased costs and expenses, and fluctuating income; and

**WHEREAS**, the Town desires to generate revenue from activities that are causing expenditure of Town funds and Town employees' time; and

**WHEREAS**, on December 11, 2008, the Town Council adopted Ordinance No. 08-710 pertaining to assessment of a fuel surcharge in connection with traffic violations related to traffic movement or control; and

**WHEREAS**, the Arizona Administrative Office of the Courts ("**AOC**"), which is charged with providing the necessary support for the supervision and administration of all state courts, reviewed and commented upon Ordinance No. 08-710; and

**WHEREAS**, based on feedback received from the AOC, the Town has revised certain provisions of said Ordinance to provide for efficiency of administration;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1: Ordinance No. 08-710 is hereby repealed.

Section 2: That Section 34.22 of the Town of Chino Valley Code of Ordinances is hereby amended by deleting subsection (l) in its entirety and replacing it with the following:

(l) *Traffic case processing fee.* The Municipal Court shall collect a traffic case processing fee, in addition to the fine imposed by the Court, upon the finding of responsibility or guilt for a traffic violation. For purposes of this Section, "traffic violation" means a violation of Title VII of the Town of Chino Valley Code of Ordinances, entitled "Traffic Code," relating to traffic movement or control, or Arizona Revised Statutes, Title 28, as follows: (i) Chapter 3, Articles 1-15; (ii) Chapter 4; (iii) Chapter 5, (iv) Chapter 7, Article 5, (v) Chapter 8, Articles 4, 6, and 8, (vi) Chapter 9, Article 4, or (vii) Chapter 25, Article 3, except for federal licensing, registration and insurance disclosure

requirements pursuant to A.R.S. § 28-8271, 8272, and 8275, as may be amended from time to time. The Court shall impose a single traffic case processing fee per case, regardless of the number of traffic violations arising out of any one case or complaint.

Section 3: That Section 34.22 of the Town of Chino Valley Code of Ordinances is hereby amended by deleting subsection (J) in its entirety and replacing it with the following:

(J) If a person has been found by the Municipal Court to be indigent, the Municipal Court Magistrate may reduce the amount of any fee set forth in this section based upon the individual's ability to pay.

Section 4: That Section 34.22 of the Town of Chino Valley Code of Ordinances is hereby amended by adding new subsection (K) to read:

(K) In addition to any other remedies which may be allowed by law, the Town Attorney is authorized to institute civil legal proceedings in any court of competent jurisdiction to recover any fee owing under this section.

Section 5: That Section 34.21 of the Town of Chino Valley Code of Ordinances is hereby amended by deleting subsection (D) in its entirety and replacing it with the following:

(D) *Traffic case processing fee.* All such fees shall be distributed to the Town of Chino Valley General Fund.

Section 6: That Section 34.21 of the Town of Chino Valley Code of Ordinances is hereby amended by adding new subsection (E) to read:

(E) *Allocation of fees.* All current and future fees not designated to be deposited in a specific account as defined in this section are to be included in the court's monthly remittance to the Town's general account as reimbursement for costs of court operations.

Section 7: All other Chapters and Sections of the Town of Chino Valley Code of Ordinances, not herein amended, shall remain in full force and effect.

Section 8: 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 Mayor and Common Council of the Town of Chino Valley, Arizona this 12<sup>th</sup> day of March, 2009.

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Joel S. Baker, Vice-Mayor

ATTEST:

APPROVED AS TO FORM:

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Jami C. Lewis, Town Clerk

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Musgrove Drutz & Kack, P.C.  
Town Attorney