



ORDINANCE NO. 202

TOWN OF MAMMOTH ARIZONA

ARTICLE 2.16.112 JUSTICE OF THE PEACE AS TOWN MAGISTRATE

The Town Council may, pursuant to A.R.S. §22-403, enter into an Intergovernmental Agreement with Pinal County to provide Municipal Court services and to appoint the Justice of the Peace in whose jurisdiction the Town is located as the Town Magistrate.

ARTICLE 2.116.114 MAGISTRATE FEE SCHEDULE

Section A. Court Enhancement Fee

1. There is created a Court Enhancement Fund, which shall be used exclusively to enhance the staffing, technology, security or facilities of the Municipal Court.
2. The Court Enhancement Fund shall be funded by an enhancement fee in the amount of twenty plus dollars (\$20.00 +) charge, which shall be applied by the Municipal Court on all fines, sanctions, penalties, and assessments imposed by the Municipal Court. The enhancement fee shall also apply to administrative fees and fees collected for Court authorized diversion program.
 - a. "Court Enhancement Diversion Program," as used in this section means a program in which an individual charged with any civil, criminal per petty offense is not prosecuted for the offense on successful completion on an authorized diversion program.
3. The Municipal Court shall administer, through the annual budget process of the Town of Mammoth, and may make expenditures from the fund for the purposes provided in this section. Monies from the fund shall supplement monies already provided for the Municipal Court for the general purposes stated in this section.
4. The Municipal Court shall annually submit to the Mayor and Town Council a report detailing the amount of money collected and expended during the reporting period and the progress made in court enhancement.

Section B. Court Fees

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth, at (520) 487-2331 (V/TDD)

The following fees are established to allow the Municipal Court to impose and collect new Court fees and allocate charges to the parties who cause the charges to be incurred. These fees shall be imposed in addition to fees otherwise assessable to statute.

1. The fee for taking a default judgment shall be twenty dollars (\$20.00).
2. The fee for all returned checks shall be twenty-five dollars (\$25.00) per item.
3. Any person who has been convicted of a criminal offense or found in Contempt of Court in the Mammoth Magistrate Court and sentenced to a term of incarceration in any detention facility authorized by law shall be required to pay a jail reimbursement fee in the amount actually paid by the Town for such incarceration.
4. Upon a defendant's conviction at trial or conviction by plea agreement, the Mammoth Magistrate Court shall impose a one-time per citation prosecution fee against each defendant in an amount set forth below:
 - i. the prosecution fee for a misdemeanor citation shall be forty dollars (\$40.00);
 - ii. a prosecution fee of thirty-five dollars (\$35.00) shall be charged to defendants entering into the deferred prosecution program of, or similar to, diversion;
 - iii. the prosecution fee for a violation of Title 28, Chapter 3, Arizona Revised Statutes, shall be one hundred dollars (\$100.00);
 - iv. a prosecution fee of a higher or lower amount may be imposed as set forth in a written plea agreement and based upon the actual cost of prosecution services and the indigent status of the defendant.
5. An administrative warrant fee in the amount of twenty dollars (\$20.00) shall be imposed to cover the Mammoth Magistrate Court's costs for processing such warrants when the Town Magistrate issues warrants for failure to comply with a court order, for failure to pay a fine, fee or restitution, or for failure to appear.
6. A jury cancellation fee shall be imposed on any party or that party's Attorney who requests a jury trial within the Mammoth Magistrate Court, if, after the Court has arranged for the paneling of a jury, the party or that party's Attorney decides not to proceed with the jury trial. The amount of the jury cancellation fee shall be one hundred dollars (\$100.00).
7. An Administrative order to show cause fee in the amount of twenty dollars (\$20.00) shall be imposed to cover the Mammoth Magistrate Court's costs for processing an

issued order to show cause for failure to appear, for failure to pay fine, fee or restitution or failure to obey a Court order. For purposes of this subsection, a "Court Order" includes but is not limited to any condition of sentencing imposed upon a defendant.


8. An abstract fee of twenty dollars (\$20.00) shall be assessed upon each person requesting a Court abstract for the purpose of reinstating a driver's license whether the driver's license was suspended as a result of a civil or criminal violation.
9. In addition to any other remedy allowed by law, the Town Attorney is authorized to institute any appropriate action for recovery of any and all monies owed or due to the Mammoth Magistrate Court including, but not limited to, restitution fees, sanctions, surcharges, assessments, penalties, bonds, costs and fees. A defendant who defaults in his or her obligation for the payment of monies owed or due to the Court is liable for all costs of collection including Attorney fees and costs, and fees and charges assessed by a collection agency licenses pursuant to Title 32, Chapter 9, Arizona Revised Statutes that is engaged to collect and enforce such obligation.
10. A one-time fee of twenty dollars (\$20.00) shall be assessed on each person, per citation according to 12-116, whom the Court sets up on time payment contract.
11. In addition to all other fines, assessments and surcharges levied against a defendant who has been found guilty of or responsible for a criminal offense or civil traffic offense, the Municipal Court shall assess and collect from such defendant the Mammoth Municipal Court Enhancement Fee of twenty dollars (\$20.00) plus surcharge. A separate fee shall be assessed and collected for each separate offense for which the defendant is found guilty or responsible.

Section C. Waiver of Court Fees

The Town Magistrate shall retain the power to waive all or any part of fee assessments (with the exception of the Court Enhancement Fee); if any of the following conditions apply:

1. The defendant is determined by the Town Magistrate to be indigent;
2. The fee imposed upon a defendant would cause undue hardship on the defendant or the defendant's immediate family; or
3. In the opinion of the Town Magistrate such waiver would be in the interest of justice.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Mammoth, Arizona, this 18th day of May, 2016.



DON JONES, Mayor

ATTEST:



ERICA GARCIA, Town Clerk

APPROVED AS TO FORM:



STEPHEN R. COOPER, Town Attorney