

ORDINANCE NO. (O)11-29

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE ARTICLE 5-5, MAGISTRATE COURT FEES, SECTION 5-5-1(A)14, COURT SECURITY FEE; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, on February 19, 2003, the Town Council approved Ordinance Number (O)03-05, which adopted that certain document entitled, "Oro Valley Town Code", Article 5-5, Magistrate Court Fees, in order to provide a mechanism for the Oro Valley Magistrate Court to recoup incurred costs; and

WHEREAS, on March 24, 2010, the Town Council approved Ordinance No. (O)10-3A, which amended Oro Valley Town Code, Article 5-5, Magistrate Court Fees, to add Section 5-5-1(A)14, Court Security Fee; and

WHEREAS, the Arizona State Legislature passed House Bill 2355, effective January 1, 2012, that decreases by one percent (1%) any surcharge levied on fines, penalties and forfeitures imposed and collected by the courts for criminal and civil offenses; and

WHEREAS, the Town desires to increase the payment of a court security fee from \$13.58 to \$13.66 to offset the one percent (1%) surcharge decrease.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that certain document known as the "Oro Valley Town Code", Section 5-5-1(A), Fees is hereby amended as follows:

SECTION 1. Oro Valley Town Code Section 5-5-1(A), Fees, shall be amended to read as follows, with additions in all CAPS and deletions in ~~strikethrough text~~:

Section 5-5-1(A) Fees

...

14. Court Security Fee: The court shall order the payment of a ~~\$13.58~~ \$13.66 court security fee by each defendant at the time the fine or sanction on a case

is assessed. The court may waive the fee in cases where the defendant is indigent or in the interests of justice.


...

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, 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.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 16th day of November, 2011.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:


Julie K. Bower, Town Clerk

Date: 11/17/11

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney

Date: 11/16/11

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NOVEMBER 28, 29, 30 &
DECEMBER 1, 2011

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