

## ORDINANCE O23-05-09

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING THE CITY OF EL MIRAGE CODE, CHAPTER 33: CITY COURT, SECTION § 33.40 (A)(B)(C) COURT ENHANCEMENT AND SECURITY FEE; CITY COURT ENHANCEMENT AND SECURITY FUND, TO ALIGN WITH THE UPDATED 2023 FEE SCHEDULE.**

WHEREAS, City Council wishes to update the City Code from time to time to more accurately reflect current laws of the State of Arizona; and

WHEREAS, City Council desires to amend Section § 33.40(A)(B)(C) COURT ENHANCEMENT AND SECURITY FEE; CITY COURT ENHANCEMENT AND SECURITY FUND of the City Code, by removing reference to a specific dollar amount and changing assessment of fees to per charge instead of per case;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of El Mirage, Arizona that the El Mirage City Code be amended as follows:

Section 1.      **§ 33.01 COURT ENHANCEMENT AND SECURITY FEE; CITY COURT ENHANCEMENT AND SECURITY FUND.**

(A) In addition to any other fee or assessment authorized by law, a court enhancement and security fee **as approved in the current fee schedule of \$25** shall be imposed by the City Court on ~~each order or agreement to pay any all charges where the City Court imposes a~~ fine, sanction, penalty, or assessment. ~~or to participate in any Court authorize diversion program.~~ **The court enhancement and security fee shall be imposed by the City Court to fees collected for Court authorized diversion programs. Court authorized diversion program, as used in this section, means a program in which an individual or entity charged with any civil, petty, or criminal offense is not prosecuted for the offense on successful completion of any authorized diversion program, and it includes authorized defensive driving courses.** The court enhancement and security fee shall not be imposed on civil parking violations. The court enhancement and security fee shall be collected by the City Court for deposit into the City Court Enhancement and Security Fund. A judge or hearing officer shall not waive all or any part of the fee unless payment of the fee violates a finding of the **City** Court pursuant to § 33.42 of this code.

(B) The City Court Enhancement and Security Fund is established for the exclusive purpose of enhancing City Court ~~processes~~ **operations, technology, facilities,** and security. Monies in the Fund shall supplement, not supplant, funds provided to the City Court through the city budget process. Interest earned on the monies in the Fund shall be credited to the City Court Enhancement and Security Fund. The City Court shall administer the Fund and may make expenditures from the Fund for the purposes approved in this section.

(C) The City court shall conduct a ~~biennial~~ **periodic** review of the effectiveness of this subchapter at meeting the Court's needs. The City Court shall report any findings from the periodic review to the City Council. ~~The first review shall take place no later than two years from the effective date of this section.~~

Section 2.      If any section, subsection, sentence, clause, phrase, or portion of this Ordinance in any part of this addition adopted here is for any reason held 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 4.      The City Clerk is hereby directed to publish this adopting ordinance in full and will become effective at the time and manner prescribed by law.

**PASSED AND ADOPTED** by the Mayor and Council of the City of El Mirage this 2nd day of May 2023.

\_\_\_\_\_  
Alexis A. Hermosillo, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon Antes, City Clerk

\_\_\_\_\_  
Justin Pierce, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA                    )  
County of Maricopa                   ) ss.

I, the undersigned Sharon Antes, being the duly appointed, qualified City Clerk of the City of El Mirage, Maricopa County, Arizona, certify that the foregoing Ordinance No. \_\_\_\_\_ is a true, correct and accurate copy of Ordinance No. \_\_\_\_\_, passed and adopted at a Voting Meeting of the Council of the City of El Mirage, Maricopa County, Arizona, held on the \_\_\_\_ day of \_\_\_\_\_ 2023, at which a quorum was present and, by a \_\_\_\_\_ vote, \_\_\_\_\_ voted in favor of said ordinance.

Given under my hand and sealed this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Sharon Antes, City Clerk