

## CHAPTER 12

### COURTS AND PROCEDURES

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#### **1-12-1: CITY MAY MAINTAIN ACTION:**

The City may also, in addition to any and all prosecutions for violation of any and all laws, rules, and regulations of the City government, maintain an action in the Police Court of the City in any proper state, county, or precinct court for the recovery of any penalty, forfeiture, debt, tax, account, demand, right, or benefit due to said City. When such action is brought into the Police Court, said action shall be brought and conducted as nearly as possible in the same manner as civil actions in justice courts. Said Police Court shall have power to issue any and all writs and to make any and all orders and judgments which may be necessary and proper in the premises. (119)

#### **1-12-2: PROCEDURE OF POLICE COURT:**

The service of processes and writs in civil actions in the Police Court shall be as nearly as practicable in the same manner as provided for the service of processes and writs in justice courts; in all other cases, proceedings, and matters (unless notices, processes, demands, and similar documents or writs are expressly required to be personally served upon the defendant, property owner, or party concerned), such notices, demands, and similar documents or writs may be served by posting a copy of the same at the door of the City Hall and by mailing a copy thereof to the person or party concerned at his last known post office address, and proof of service may be made by any person serving the same or causing the same to be served. (119)

#### **1-12-3: COURT SUSTAINABILITY FEE:**

A court sustainability fee in the amount of fifteen dollars (\$15.00) is hereby established. The Mesa Municipal Court shall direct a defendant to pay the court sustainability fee on all charges where the court imposes a fine, sanction, penalty, or assessment except for parking violations. The court sustainability fee shall be in addition to all other fines, sanctions, penalties, or assessments of whatever type. (3477,3768,4203,5172,5327)

#### **1-12-4: DEFAULT FEE:**

A default fee in the amount of seventy dollars (\$70.00) is hereby established. The Mesa Municipal Court shall direct a defendant to pay the default fee as part of each default judgment entered for failure to appear in a civil traffic violation case, for failure to satisfy in full a civil sanction imposed in a civil traffic violation case, and for failure to pay a court-ordered fine, restitution, or incarceration fees. The default fee shall not apply to parking violations. Default fees shall be deposited into the City's General Fund. (3477,4204)

#### **1-12-5: WAIVER OF FEES:**

Municipal Court Magistrates and Civil Traffic Hearing Officers are authorized to waive the court sustainability fee, the court capital construction fee, and the default fee when such waiver would be in the interest of justice. Civil Traffic Hearing Officer waivers are limited to fees imposed in civil traffic cases. (3477,4027,4416,5172)

**1-12-6: COLLECTION AGENCY FEES AND CHARGES:**

A defendant who defaults in his or her obligation for the payment of monies owed or due to the Mesa Municipal Court, including but not limited to, restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs, and fees, is liable for all fees and charges assessed by a collection agency that is licensed pursuant to the Arizona Revised Statutes, and that is engaged by the City to collect and enforce payment by the defendant. Collection agency fees and charges shall be added to the sum or sums due from and chargeable against the defendant. (3477)

**1-12-7: PAYMENT OF COSTS OF CONFINEMENT: (3768)**

- (A) Any person who is convicted of a misdemeanor criminal offense or misdemeanor criminal traffic offense in the Municipal Court, as part of any jail sentence imposed by the Municipal Court, shall be required to reimburse the City of Mesa for all expenses incurred by reason of such confinement. (3768)
- (B) Municipal Court Magistrates are authorized to waive the costs of the confinement fee under this Section when the Magistrate finds such a waiver would be in the interests of justice. (3768)

**1-12-8: APPOINTMENT OF CIVIL TRAFFIC HEARING OFFICERS AND COURT COMMISSIONERS: (4027,4947)**

- (A) The presiding City Magistrate may appoint one (1) or more Civil Traffic Hearing Officers and/or one (1) or more Court Commissioners when in the presiding City Magistrate's opinion, the appointment of such Civil Traffic Hearing Officers and/or Court Commissioners is necessary to assure prompt disposition of cases. Civil Traffic Hearing Officers and Court Commissioners shall serve for terms of two (2) years from the date of appointment and can be reappointed by the presiding City Magistrate. Civil Traffic Hearing Officers and Court Commissioners may be removed for good cause during their term by the presiding City Magistrate. (4027,4947)
- (B) Civil Traffic Hearing Officers may hear and dispose of Civil Traffic violation cases, vicious dog cases, and Mesa Civil Code violation cases filed in the Mesa Municipal Court. Court Commissioners may hear and dispose of civil offenses as well as criminal offenses. The judgment of the Civil Traffic Hearing Officers and Court Commissioners constitutes the judgment of the Court, which is appealable to the Superior Court as prescribed by State statute and rules promulgated by the Arizona Supreme Court. (4027,4947)

**1-12-9: COURT CAPITAL CONSTRUCTION FEE (4416,4621)**

- (A) A court capital construction fee in the amount of sixteen dollars and fifty cents (\$16.50) is hereby established. (4416,4621)
- (B) The Mesa Municipal Court shall direct a defendant to pay the court capital construction fee in all cases, except for parking violations. (4416)
- (C) The court capital construction fee is for the purpose of off setting costs associated with the construction, debt service, furniture, fixtures and equipment of a new Mesa Municipal Court facility and is not subject to state surcharges. (4416)
- (D) The court capital construction fee shall be increased July 1, 2008 and every third year thereafter in the amount of three dollars (\$3.00), and shall be discontinued upon retirement of debt associated with construction of the new court facility. (4416)
- (E) The court capital construction fee and the applicable interest earned shall be deposited into the court construction fee fund (#465) and accounted for separately. (4416)