

In the Matter of) Arizona Supreme Court
) No. R-15-0045
LOCAL RULES OF PRACTICE AND)
PROCEDURE IN CITY COURT CIVIL)
PROCEEDINGS, CITY OF TUCSON)
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) **FILED 03/15/2016**

A request having been filed seeking approval of amendments to Rules 3, 7, and 27, Local Rules of Practice and Procedure in City Court Civil Proceedings, City of Tucson, and no comments having been received, upon consideration,

IT IS ORDERED approving amendments to Rules 3, 7, and 27, Local Rules of Practice and Procedure in City Court Civil Proceedings, City of Tucson, in accordance with the attachment hereto, effective as of the date of signing.

/s/
SCOTT BALES
Chief Justice

TO:

Rules Distribution List
Hon. Antonio F Riojas Jr

ATTACHMENT*

**LOCAL RULES OF PRACTICE AND PROCEDURE
IN CITY COURT CIVIL PROCEEDINGS,
CITY OF TUCSON**

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Rule 3. Civil Infraction and Civil Parking Infraction; Complaint and Summons; Citation

A.-D. [No change in text.]

E. Civil parking infraction actions shall be commenced by the ~~issuance~~ filing of a citation with the court, which shall include the date, time, and location of the violation, the state license number of the vehicle unlawfully parked, the name and address of the registered owner of the vehicle cited on file with the Arizona Department of Motor Vehicles, reference to the City ordinance or Code provision violated, and notice that within ~~thirty (30)~~ fifteen (15) calendar days from the date ~~on which the citation was issued~~ filed with the court the fine for the violation must be paid to and received by the ~~City court~~ or a request must be made to and received by the court for a hearing to contest the citation. A copy of the citation may be served by attaching a copy to the vehicle; personal service is not required. The citation, or copy thereof, issued in accordance with these Rules shall constitute prima facie evidence of the parking infraction.

~~1. When a citation is issued to a vehicle registered within the State of Arizona, the court shall within seven (7) working days send a citation letter to the owner address on file with the Arizona Department of Motor Vehicles advising the owner of the citation and containing the date, time, and location of the violation as well as the vehicle description and violation description; or a duplicate copy of the citation.~~

~~2. If the respondent involved in a civil parking violation or infraction fails to respond within thirty (30) fifteen (15) calendar days from the day the citation was issued~~ filed with the court by one (1) of the prescribed methods in Rule 7, a default fee pursuant to section 8-6.7 of the City Code shall be assessed. ~~and the~~ The court shall, within seven (7) ten (10) working days of the default date, send a default letter to the owner's address as set forth on the citation on file with the Arizona Motor Vehicle department, advising the owner that the citation is in default, and that the vehicle may be subject to boot or impoundment, and that the fine may be submitted to the Fines Fees and Restitution Enforcement (FARE) Program for collection.

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* Additions to text are indicated by underscoring, and deletions from text are indicated by ~~strikeouts~~.

Rule 7. Appearance and Entry of Plea

A.-C. [No change in text.]

D. In proceedings for civil parking infractions, the respondent shall respond to the notice of filing citation within ~~thirty (30)~~ fifteen (15) calendar days from the day on which the citation was ~~issued~~ filed with the court by one of the following methods:

1. By ~~respondent or respondent's attorney~~ appearing in person, by representation, or by mail received by the City within the ~~thirty (30)~~ fifteen (15) calendar day period, admitting responsibility for the violation, and paying the fine prescribed for the violation.

2. By contacting the court in person, through representation, or by mail requesting a hearing to contest the citation within the ~~thirty (30)~~ fifteen (15) calendar day period.

If the owner or operator of the vehicle involved in the violation fails to respond by one of the methods prescribed in sections A or B of this subsection, within ~~thirty (30)~~ fifteen (15) calendar days from the day the citation was ~~issued~~ filed with the court, the court shall enter judgment for the City, and impose a civil sanction and a default fee pursuant to section 8-6.7 of the City Code, ~~shall be assessed~~ in addition to any time payment and case processing fee required. The court shall send a default letter to the respondent's last known address on file with the court, providing notice that the citation is in default.

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Rule 26. Appeal; How Taken

A. An appeal shall be taken by filing a written notice of appeal with the lower court within fourteen (14) calendar days after the entry of the order or judgment ~~appealed from~~.

B. The notice of appeal shall identify the order or judgment ~~appealed from~~ by case number. It shall be signed by the appellant or appellant's attorney, if any, and shall contain the names, addresses and telephone numbers of all parties and their attorneys.

C. [No change in text.]