

ORDINANCE NO. 1039

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA AMENDING THE TOWN OF WICKENBURG CODE CHAPTER 1 GENERAL, BY AMENDING ARTICLE 1-8 PENALTY TO ADD NEW PARAGRAPHS B, C AND D RELATED TO CIVIL TRAFFIC VIOLATIONS AND TO THE AUTHORITY OF THE BUILDING INSPECTOR TO ISSUE CITATIONS FOR VIOLATIONS OF THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, State Of Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 1 General, By Amending Article 1-8 Penalty to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

ARTICLE 1-8 PENALTY

- A. EXCEPT AS PROVIDED IN PARAGRAPH B, Any person found guilty of violating any provisions of this Code shall be guilty of a Class One Misdemeanor, and upon conviction thereof shall be punished pursuant to the terms set forth in the Arizona Revised Statutes Sections 13-707, 13-802, and 13-902. Each day that a violation continues shall be a separate offense punishable as hereinabove described.
- B. ANY VIOLATION OF OR FAILURE OR REFUSAL TO DO OR PERFORM ANY ACT REQUIRED BY CHAPTER 12 OF THIS CODE CONSTITUTES A CIVIL TRAFFIC VIOLATION. CIVIL TRAFFIC VIOLATIONS ARE SUBJECT TO THE PROVISIONS OF TITLE 28, CHAPTER 6, ARTICLES 20 AND 21, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO.
- C. VIOLATIONS OF THIS CODE FOR WHICH A CIVIL SANCTION IS IMPOSED SHALL BE TREATED AS A CIVIL OFFENSE AND HEARINGS AND APPEALS SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PROCEDURE IN CIVIL TRAFFIC VIOLATION CASES AS SET FORTH IN THE ARIZONA REVISED STATUTES, RULES OF PROCEDURE IN CIVIL TRAFFIC CASES.
- D. A PERSON WHO COMMITS A VIOLATION OF THIS CODE AFTER PREVIOUSLY HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING THREE OR MORE CIVIL VIOLATIONS OF THIS CODE WITHIN AN 18-MONTH PERIOD, WHETHER BY ADMISSION, BY PAYMENT OF THE SANCTION, BY DEFAULT OR BY JUDGMENT AFTER HEARING, SHALL BE GUILTY OF A CLASS ONE MISDEMEANOR. FOR PURPOSES OF CALCULATING THE 18-MONTH PERIOD UNDER THIS SUBSECTION, THE DATES OF THE COMMISSION OF THE OFFENSES ARE THE DETERMINING FACTOR.
- E. A BUILDING INSPECTOR OR ANY LAW ENFORCEMENT OFFICER AUTHORIZED TO ACT ON BEHALF OF THE TOWN SHALL HAVE THE AUTHORITY TO

ENFORCE THE PROVISIONS OF THIS CODE ON PRIVATE PROPERTY AND TO
ISSUE CITATIONS FOR VIOLATIONS THEREOF, EXCEPT THAT THE BUILDING
INSPECTOR SHALL NOT ISSUE CITATIONS FOR VIOLATIONS OF SECTIONS 10-
1-3, 10-1-6, 10-1-8, 10-1-10, 10-1-12, 10-1-16, 10-1-20 AND 10-1-21 OF THIS
CODE; TRAFFIC VIOLATIONS PURSUANT TO CHAPTER 12 OF THIS CODE OR
TITLE 28, CHAPTER 6, ARTICLES 20 AND 21, ARIZONA REVISED STATUTES.

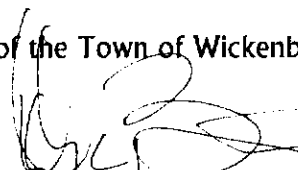
Section II. Repeal of Conflicting Ordinance.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance
or any part of the code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

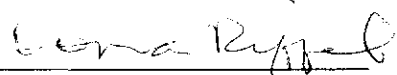
If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any
part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional
by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the
remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this
20th day of April, 2009.


KELLY C. BLUNT, MAYOR

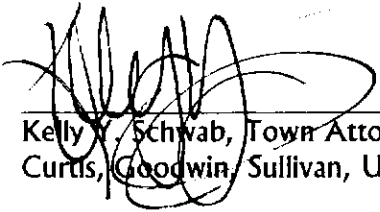
Date Signed: 4-20-09

ATTEST:


Donna Riffel, Town Clerk

Date Signed: 4-20-09

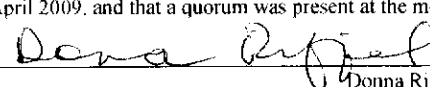
APPROVED AS TO FORM: _____


Kelly A. Schwab, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,

Number of Councilmembers Present: 6
Number of Votes For: 6
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I Donna Riffel, Town Clerk, HEREBY CERTIFY that the foregoing Ordinance Number 1039 was duly passed and adopted by the Common Council
of the Town of Wickenburg, Arizona, at a regular meeting held on the 20th day of April 2009, and that a quorum was present at the meeting.


Donna Riffel, Town Clerk