

ORDINANCE NO. 1114

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE BY AMENDING CHAPTER 6 POLICE COURT, ARTICLE 6-6 HOME DETENTION PROGRAM, SECTION 6-6-1 ESTABLISHMENT OF HOME DETENTION PROGRAM, SUBSECTION F, ALLOWING PARTICIPATION BY PERSONS WHO ARE NOT CURRENTLY EMPLOYED IN THE HOME DETENTION PROGRAM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, Section 9-499.07 of the Arizona Revised Statutes authorizes municipalities to establish a Home Detention Program for eligible sentenced offenders if the Presiding Judge of the Town Court approves the Program; and

WHEREAS, a Home Detention Program will reduce the cost to Wickenburg for confining low risk, non-violent offenders and allow participants in the Program to engage in gainful employment; and

WHEREAS, the authorizing legislation was recently amended to allow for home detention services for persons not currently employed who have been convicted of violating A.R.S. §§28-1381 and §28-1382; and

WHEREAS, the Common Council finds that the immediate operation of this Ordinance allowing participation in home detention services by persons not currently employed and continuation of a Home Detention Program is necessary for the public health, safety and general welfare of Wickenburg and its citizens.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Wickenburg, Arizona, as follows:

Section I. In General.

The Code of Wickenburg, Arizona, Chapter 6 Police Court, Article 6-6 Home Detention Program, Section 6-6-1 Establishment of Home Detention Program, specifically Subsection F. is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

ARTICLE 6-6 HOME DETENTION PROGRAM

SECTION 6-6-1 ESTABLISHMENT OF HOME DETENTION PROGRAM

F. ~~IN ORDER TO BE ELIGIBLE FOR THE HOME DETENTION PROGRAM, THE PERSON SHALL BE EMPLOYED IN MARICOPA COUNTY OR YAVAPAI COUNTY. IF THE PERSON IS RETIRED OR INCAPABLE OF BEING EMPLOYED, THE COURT MAY EXEMPT THE PERSON FROM THIS REQUIREMENT. IF THE PERSON ATTENDS EDUCATIONAL CLASSES IN MARICOPA COUNTY OR YAVAPAI COUNTY OR IS EMPLOYED WITHIN MARICOPA COUNTY OR YAVAPAI COUNTY, THE COURT MAY PERMIT THE PERSON TO ATTEND CLASSES OR LEAVE HOME FOR EMPLOYMENT DURING SPECIFIED HOURS. THE COURT MAY PERMIT THE PERSON TO ATTEND RELIGIOUS SERVICES, FUNERALS OR SEEK NECESSARY MEDICAL CARE.~~

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.

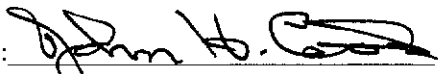
Section III. Providing for Severability.

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.

Section IV: Declaring An Emergency

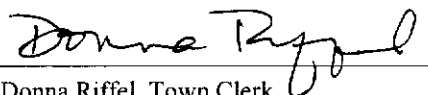
The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the Town of Wickenburg and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Common Council of the Town of Wickenburg.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 3rd day of December, 2012.

By: 
JOHN H. COOK, MAYOR

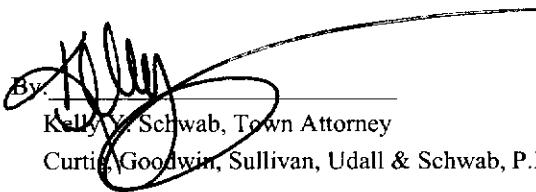
Date Signed: 12-3-12

ATTEST:

By: 
Donna Riffel, Town Clerk

Date Signed: 12-3-12

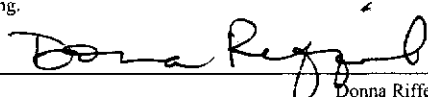
APPROVED AS TO FORM:

By: 
Kelly V. Schwab, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1114 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 3rd day of December 2012 and that a quorum was present at the meeting.


Donna Riffel, Town Clerk