

ORDINANCE NO. 880

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, MARICOPA COUNTY, STATE OF ARIZONA, AMENDING THE TOWN CODE OF WICKENBURG, CHAPTER 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, SECTION 10-1-12 OBSTRUCTION OF STREETS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, the Wickenburg Town Code defines offenses and sets penalties for such offenses; and

WHEREAS, it is in the best interests of the Town and its citizens to require that streets and roads be unobstructed and to set penalties for violations thereof.

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

Section I. In General

I. The Wickenburg Town Code, Chapter 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, SECTION 10-1-12 OBSTRUCTION OF STREETS is hereby amended as follows (additions show in **BOLD ALL CAPS**, deletions shown in ~~strikeout~~):

Sec. 10-1-12 Obstruction of Street

B. IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO PLACE OR CAUSE TO BE PLACED ON ANY PUBLIC STREET, ALLEY, SIDEWALK OR PUBLIC RIGHT-OF-WAY, FOR ANY LENGTH OF TIME, ANY OBJECTS OR MATERIAL, INCLUDING BUT NOT LIMITED TO GRAVEL, PLANTS, SOIL, LUMBER, BRICKS, ROCKS, AND PIPES, OR TO CAUSE DAMAGE TO THE PAVEMENT, CURB, GUTTER OR SIDEWALK OF ANY RIGHT-OF-WAY. THIS PROVISION SHALL NOT APPLY TO UTILITY OR TOWN PERSONNEL PERFORMING LAWFUL TOWN OR UTILITY WORK IN THE PUBLIC STREET, ALLEY, SIDEWALK OR PUBLIC RIGHT-OF-WAY. ANY PERSON OR ENTITY WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE THIS SECTION SHALL IMMEDIATELY REMOVE THE OBJECTS OR MATERIALS IN VIOLATION FROM THE RIGHT-OF-WAY. THE TOWN MAY REMOVE SUCH OFFENDING OBJECTS OR MATERIALS AND CHARGES THE COSTS OF SUCH REMOVAL, IN ADDITION TO ANY OTHER PENALTY ALLOWED UNDER THIS CODE, TO SUCH RESPONSIBLE PERSON OR ENTITY. UPON COMPLETION OF THE WORK, THE MANAGER OR OTHER AUTHORIZED TOWN OFFICIAL SHALL PREPARE A VERIFIED STATEMENT OF ACCOUNT OF THE ACTUAL COST OF SUCH REMOVAL, THE DATE THE WORK WAS COMPLETED AND THE DESCRIPTION OF THE PROPERTY ON WHICH SAID WORK WAS DONE, INCLUDING AN ADDITIONAL FIVE PERCENT FOR ADDITIONAL INSPECTION AND OTHER INCIDENTAL COSTS IN CONNECTION THEREWITH. THE PERSON OR ENTITY UPON WHOM

SUCH COSTS ARE ASSESSED SHALL HAVE THIRTY DAYS FROM THE DATE OF SERVICE UPON HIM TO APPEAL IN WRITING TO THE COUNCIL FROM THE AMOUNT OF THE ASSESSMENT AS CONTAINED IN THE VERIFIED STATEMENT. IF AN APPEAL IS NOT FILED WITH THE TOWN CLERK WITHIN SUCH THIRTY-DAY PERIOD, THEN THE AMOUNT OF THE ASSESSMENT AS DETERMINED BY THE MANAGER OR OTHER AUTHORIZED TOWN OFFICIAL SHALL BECOME FINAL AND BINDING. IF AN APPEAL IS TAKEN, THE COUNCIL SHALL, AT ITS NEXT REGULAR MEETING, HEAR AND DETERMINE THE APPEAL AND MAY AFFIRM THE AMOUNT OF THE ASSESSMENT, MODIFY THE AMOUNT THEREOF, OR DETERMINE THAT NO ASSESSMENT AT ALL SHALL BE MADE. THE DECISION OF THE COUNCIL SHALL BE FINAL AND BINDING ON ALL PERSONS.

B. C. It is unlawful to operate, ride or push roller skates, skate boards or other substantially similar devices within or upon the public right-of-way within an area within the Town denoted as the Heritage Area, as that area is defined and denoted in Chapter 14, Article 14-23A, Section 14-23A-5, Subsection B of the Town Code of Wickenburg.

C-D. Any person found guilty of violating Subsection C of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not to exceed three hundred dollars (\$300.00). If the person found to be in violation of Subsection B of this Section is a minor, in addition to any punishment imposed upon him, his parent(s) or guardian(s) shall be found to be in violation of Subsection B of this Section and subject to the same penalty if said parent(s) or guardian(s) know the minor was operating such device(s) within the prescribed area, or had failed to inform the minor that riding or operating such device(s) within the area was unlawful, or purchased or otherwise allowed the minor to acquire such device(s) and was unaware of the minor's activities or whereabouts at the time the minor was found to be in violation of Subsection B of this Section. In all circumstances where such device(s) were operated within the prohibited area by a minor and damage to property of third parties resulted therefrom or third parties suffered personal injuries or death which was or were caused by operation of such devices by the minor, the parent(s) or guardian(s) of the minor shall be civilly liable therefore, and the injured or damaged party shall have, in addition to all other remedies, the remedy of full restitution against said parent(s) or guardian(s).

Section II. Providing For Repeal Of Conflicting Ordinances

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.

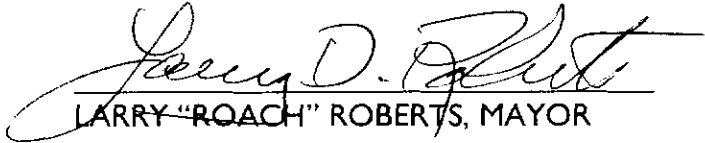
Section III. Providing For Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

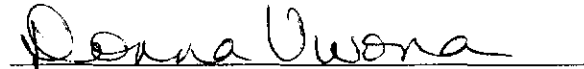
Section IV. Providing For Penalties

Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Section 1-8 of the Wickenburg Town Code.

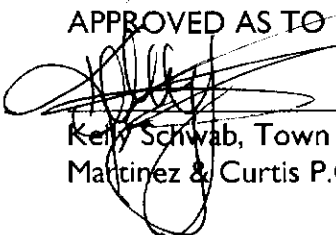
APPROVED, PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, THIS 15th DAY OF October, 2001.


LARRY "ROACH" ROBERTS, MAYOR

ATTEST:


Donna Vivona, Town Clerk

APPROVED AS TO FORM:


Kelly Schwab, Town Attorney
Martinez & Curtis P.C.

Number of Councilmembers Present: 5
Number of Votes For: 5
Number of Votes Against: 0
Number of Abstentions: 0

Date of Certification of Minutes of Council Meeting at which this Ordinance as adopted:

October 17, 2001