



ORDINANCE NO. 1168

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

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

Section 1. In General.

The Code of Wickenburg, Chapter 10 Offenses, Article 10-1 Lawful Acts, is amended by amending Section 10-1-12 Obstruction of Streets, to read as follows (deleted text appears in strikeout; new text in ALL CAPS):

Section 10-1-12 Obstruction of Streets OR TOWN PROPERTY

A. It is unlawful for any person to obstruct any public street, alley, sidewalk or park or other public grounds within the Town by committing any act of, or doing anything which is injurious to the health or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon or facing or fronting on any of such streets, sidewalks, parks or other public town ground in their town.

B. IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO UTILIZE TOWN PROPERTY OR EQUIPMENT IN ANY MANNER OTHER THAN WHICH IT WAS INTENDED BY THE MANUFACTURER OR OWNER, OR IN SUCH A MANNER AS IT IS INJURIOUS TO HEALTH OR INDECENT OR OFFENSIVE TO THE SENSES.

~~B. C.~~ C. 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 that 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 charge the cost 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 TOWN Manager or other is 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 five percent (5%) for additional inspection and other incidental cost in connection therewith. The person or entity upon whom such costs are assessed shall have thirty (30) 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 (30) 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.

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.

Any person found guilty of violating Subsection D of this Section shall be guilty of a Class 3 misdemeanor. If the person found to be in violation of Subsection D 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 D 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 has failed to inform the minor that riding or operating 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 D 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 therefor, 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).

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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.

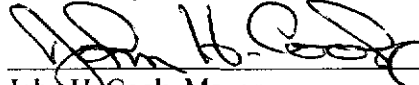
Section III. Providing for Severability.

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.

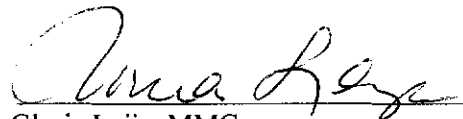
Section IV. Providing for Penalties.

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

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 4th day of October 2016.

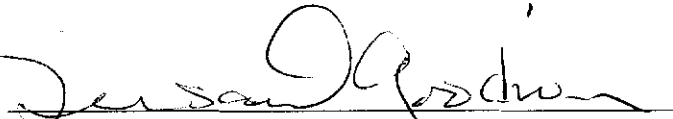

John H. Cook, Mayor

Date Signed: 10/4/16

ATTEST: 
Gloria Leija, MMC
Town Clerk

Date Signed: 10/4/16

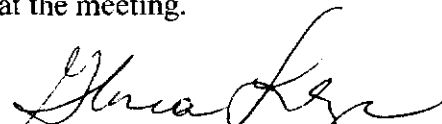
APPROVED AS TO FORM:


Susan Goodwin, Town Attorney
Gust Rosenfeld PLC

Date Signed: 10/4/16

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1168 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 4th day of October 2016, and that a quorum was present at the meeting.


Gloria Leija, MMC
Town Clerk