



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 2 “ADMINISTRATION AND PERSONNEL,” CHAPTER 2.40 “MAGISTRATE,” SECTION 2.40.050 “COURT FEES,” TO REMOVE THE FEE SCHEDULE FROM THE TOWN CODE AND ALLOW THE TOWN COUNCIL TO ESTABLISH MUNICIPAL COURT FEES BY ADOPTING RESOLUTIONS.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. section 9-240 (B) (28); and

WHEREAS, pursuant to A.R.S. 22-404(E) and the Code section 2.40.050, the Town Council may establish fees for its municipal court programs and services; and

WHEREAS, the Town Council wishes to amend the Code to remove the fee schedule for court programs and services and enable the Council to adopt and amend the schedule by resolution; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on June 28, 2018, and at a subsequent meeting on July 12, 2018.

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

SECTION 1. The Code, Title 2 “ADMINISTRATION AND PERSONNEL,” Chapter 2.40 “MAGISTRATE,” section 2.40.050 “Court Fees,” is amended by deleting the current text, and replacing it with the following:

2.40.050 Court fees.

The Town Council, in consultation with the Town Magistrate, shall adopt fees for court programs and services by resolution of the Council.

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 4. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

SECTION 8. This Ordinance shall not be effective until *[fill in date when Council approves fee resolution]*

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 12th DAY OF JULY, 2018.


Kenneth Taylor, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney