



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2017-04

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.80 "VIOLATIONS AND PENALTIES," SECTION 15.80.010 "NOTICE OF VIOLATIONS," TO PROVIDE FOR COURT ORDERED RESTITUTION IN BUILDING CODE ENFORCEMENT CASES.**

**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. 9-240 (B) (28); and

**WHEREAS**, the Code, Title 15 "BUILDINGS AND CONSTRUCTION" establishes the Building Code for the Town, and section 15.80.010 provides the penalties for violating the Building Code; and

**WHEREAS**, the Town Council has determined that it would be in the best interests of the Town and its residents to amend the Building Code to adopt a provision allowing the court to order restitution be paid to the Town in cases brought for the enforcement of the Town's Building Code; and

**WHEREAS**, a public hearing was held on July 5, 2017, to receive public comment, pro and con, for adopting a Code amendment for this purpose; and

**WHEREAS**, as required by the Code, section 2-5-4, this Ordinance was first read at a public meeting of the Town Council on July 13, 2017, and at a subsequent meeting on July 27, 2017.

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

**SECTION 1.** The Code, Title 15 "BUILDINGS AND CONSTRUCTION," Chapter 15.80 "VIOLATIONS AND PENALTIES," Section 15.80.010 "Notice of Violations" is amended by adding new subsection (B) (5) to read as follows:

5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this Chapter and bring a

building or land into compliance with this Chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case.

**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policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.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 2-5-8 and 2-5-9, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 27TH DAY OF JULY, 2017.**

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Ken Taylor, Mayor

**ATTEST:**

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Tammy Mitchell, Town Clerk/Administrator

Approved as to Form:

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Thomas Benavidez, Town Attorney