



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, ADOPTING AMENDMENTS TO THE TOWN CODE, TITLE 6 "ANIMALS," WHICH AMENDMENTS PROVIDE FOR SPECIFIC AND VARYING PENALTIES FOR VIOLATIONS OF THE TOWN'S ANIMAL CODE.

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 section 1.05.110 most violations of the Code are classified as criminal misdemeanors; and

WHEREAS, the Town Council wishes to amend the Code to specifically designate certain Code violations within Title 6 "ANIMALS" as either criminal or civil violations; and

WHEREAS, the Town Council previously adopted Resolution No. 2018-27 declaring the "2018 Amendments to Title 6 ANIMALS," a public record of the Town; 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 September 13, 2018, and at a subsequent meeting on September 27, 2018.

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

SECTION 1. The "2018 Amendments to Title 6 ANIMALS," a public record of the Town, three copies of which are on file in the office of the Town Clerk, are hereby adopted.

SECTION 2. The Code, Title 6 "Animals" is hereby amended as indicated in the "2018 Amendments to Title 6 ANIMALS."

SECTION 3. 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policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.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 4. 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 5. As provided in the Code, Section 6.20.040, penalties for Animal Code violations may be civil or criminal, and may be punished as follows:

- A. First offense: \$50 fine; Second offense: \$100.00 fine; Third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.
- B. Each offense: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

SECTION 6. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, 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 SEPTEMBER, 2018.


Kenneth Taylor, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney