



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 1, CHAPTER 1.05 “GENERAL PROVISIONS”, SECTION 1.05.110 “PENALTY,” TO CLARIFY THAT NOT ALL VIOLATIONS OF THE TOWN CODE ARE MISDEMEANORS AND THAT SPECIFIC PENALTY PROVISIONS MIGHT BE PROVIDED THROUGHOUT THE 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 clarify that not all violations of the Code are criminal misdemeanors and there might be specific penalty provisions provided for throughout the Code; 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 Code, Chapter 1.05 “GENERAL PROVISIONS,” Section 1.05.110 “Penalty,” subsection (A), is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

1.05.110 Penalty.

A. Except as otherwise specifically provided in this Code. A any person found guilty of violating any provision of this code, and except as provided in subsection B of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment for a period not to exceed six months, or by


both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

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policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.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

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