



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE CHAPTER 2.85 “TOWN FACILITY USE POLICY,” SECTION 2.85.050 “CHARGES” AND CHAPTER 10.30 “PARKS, RECREATION AND TRANSPORTATION FACILITIES,” SECTION 10.30.030 “USE OF COMMUNITY CENTER,” TO REMOVE THE OPTION FOR CERTAIN PRIVATE ORGANIZATIONS TO USE TOWN FACILITIES FREE OF CHARGE.

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 the Code, Chapters 2.85 and 10.30, the Town establishes regulations and fees for use of its facilities; and

WHEREAS, the Town Council wishes to amend the Code, to remove the option of allowing certain private organizations to use town facilities free of charge; 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 August 16, 2018, and at a subsequent meeting on January 10, 2019.

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

SECTION 1. The Code, Chapter 2.85 “TOWN FACILITY USE POLICY,” Section 2.85.050 “Charges,” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

2.85.050 Charges.

The mayor and council recognize that certain costs are associated with usage of the facilities and have developed the following guidelines:

A. All residents and/or organizations will be required to pay the scheduled fee. ~~except the following who shall be allowed free or reduced fee use of the facilities with the exception of the following:~~ the following:

1. Governmental jurisdictions conducting town-related business will have no fee assessed.

B. Any organization denied ~~free~~ use under this policy as defined in this section may appeal to the city council.

SECTION 2. The Code, Chapter 10.30 "PARKS, RECREATION AND TRANSPORTATION FACILITIES" Section 10.30.030 "Use of Community Center," is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

10.30.030 Use of Community Center.

A. *[Unchanged]*.

B. *[Unchanged]*.

C. Except as provided in Chapter 2.85, Section 2.85.050, A a use fee and a cleaning deposit are required. ~~in most instances; however, the council, upon request, may take into consideration whether or not to waive or reduce the use fee for governmental organizations, or nonprofit organizations, under special circumstances. It is in the discretion of the council to determine whether to waive or reduce the fee.~~ All users will pay the refundable cleaning deposit which shall be refunded if, upon inspection by a town staff member, the building is clean. The town council shall adopt, by resolution, a schedule of fees for use of the Community Center. The town's facility use policy which contains additional rules and procedures for using town facilities may be found in Chapter 2.85.

D. *[Unchanged]*.

E. *[Unchanged]*.

F. A copy of the rules and regulations will be given to all individuals requesting the use of the Community Center. The keys to the Community Center will be given out by ~~the police department~~ town personnel and a log will be kept stating the identity of the person who signed them out.

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. The Town Clerk is hereby directed, pursuant to the Code section 2.25.080, 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 10th DAY OF JANUARY, 2019.



Johann Wallace, Mayor

ATTEST:



Jennifer Fuller, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney

