



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-12

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE, TITLE 9, "PUBLIC PEACE MORALS AND WELFARE," CHAPTER 9.30 "JUNKED MOTOR VEHICLES," SECTION 9.30.010 AND SECTION 9.30.020, TO REVISE THE DEFINITION OF "INOPERABLE VEHICLE" AND PROHIBIT CERTAIN STORAGE OF INOPERABLE VEHICLES ON PRIVATE PROPERTY; AND ADDING SECTION 9.30.060 PROVIDING CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS.

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 Town Ordinance No. 15-02; and

WHEREAS, junked and inoperable vehicles are a nuisance in the Town and they adversely affect the Town's appearance, as well as the health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to revise the Town Code to amend the definition of "inoperable vehicle" and to clarify that certain storage of inoperable vehicles on private property is prohibited, and to provide for civil and criminal penalties for violations;" 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 April 25, 2019, and at a subsequent meeting on May 9, 2019.

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

SECTION 1. The Code, Title 9 "PUBLIC PEACE MORALS AND WELFARE," Chapter 9.30 "JUNKED MOTOR VEHICLES," Section 9.30.010 "Definitions" is amended, as follows, with additions in underlined text:

9.30.010 Definitions.

In this chapter, unless the context otherwise requires:

"Inoperable vehicle" means any vehicle that is not in working condition as designed, or is incapable of being operated lawfully. For example, without limiting the meaning of the

term, a motor vehicle designed to be operated upon the public streets shall be deemed inoperative if a tag with a current registration (also known as a license plate) of a kind required under Arizona law as a condition of operation upon the public streets is not affixed thereto, or if the vehicle is not insured as required by law, or if one or more parts which are legally required for the operation of the vehicle are missing or not attached to the vehicle as designed; provided, however, that the following shall not be considered inoperable:

[The remainder of this section is unchanged.]

SECTION 2. The Code, Title 9 “PUBLIC PEACE MORALS AND WELFARE,” Chapter 9.30 “JUNKED MOTOR VEHICLES,” Section 9.30.020 “Prohibited storage” is amended, as follows, with additions in underlined text:

9.30.020 Prohibited storage.

It is unlawful for any person owning or having custody of any junked or inoperable motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the town for a period of more than 30 days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the town to store or to permit to remain any such vehicles or accessories on his property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this chapter. This shall also include any and all vehicles not currently registered by the state of Arizona and parked or stored on any streets, alleys or city easements.

It is unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

SECTION 3. The Code, Title 9 “PUBLIC PEACE MORALS AND WELFARE,” Chapter 9.30 “JUNKED MOTOR VEHICLES,” is amended by adding Section 9.30.060 “Citations and penalties,” as follows:

9.30.060 Citations and penalties.

In addition to the various removal and abatement provisions contained in this chapter, as well as any other remedies allowed at law, citations for civil and criminal violations of this chapter may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney. The First offense: \$150.00 fine per vehicle; second offense: \$300.00 fine per vehicle; third and subsequent offenses: criminal class 1 misdemeanor per vehicle, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

SECTION 4. 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 5. 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 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.

SECTION 7. This Ordinance takes effect 31 days after its adoption by the Town Council.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 9th DAY OF MAY, 2019.


Johann Wallace, Mayor

ATTEST:


Matthew Williams, Interim Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

