



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 10 "VEHICLES, TRAFFIC AND PARKS," CHAPTER 10.20 "ABANDONED VEHICLES," SECTIONS 10.20.030 10.20.090, TO REMOVE THE FEE AMOUNTS FROM THE TOWN CODE AND TO ALLOW THE TOWN COUNCIL TO ESTABLISH AND AMEND A FEE SCHEDULE BY RESOLUTION.

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 A.R.S. Title 28, Chapter 8, Article 9, the Town is authorized to immobilize, impound and store vehicles, and charge fees therefor; and

WHEREAS, the Town Council wishes to amend the Code to remove the specific fee amounts from the Code and to allow the Town Council to establish and amend a fee schedule by resolution; 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, Arizona, as follows:

SECTION 1. The Code, Chapter 10.20 "ABANDONED VEHICLES," Section 10.20.030 "Impounded vehicles," subsection (B), is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

10.20.030 Impounded vehicles.

B. The town is hereby authorized to assess and collect the following fines and fees:

1. Any person who abandons a motor vehicle on any public property, or any person who permits a vehicle to constitute an attractive nuisance or a public nuisance, or any person who violates any provisions of this chapter shall be guilty

of a petty misdemeanor and shall be punishable by a fine not to exceed \$200.00. Every day that the offense occurs shall be deemed a separate violation of this chapter.

2. Impound administrative fee ~~is \$150.00~~. This one-time fee is required on all impounded vehicles unless it was reported as stolen. Verification of the theft is required before this is waived.

3. A daily storage fee ~~of \$35.00 per day~~ will be imposed on all impounded vehicles unless it was reported as stolen. Verification of the theft is required before this is waived.

4. "No insurance" administrative fee, ~~is \$150.00~~ if the registration or driver's license has been suspended or revoked.

5. If the vehicle has not been registered, all state registration fees will also be required before the vehicle can be released.

6. The amount of the fees provided for in this chapter shall be set and amended by resolution of the council, not to exceed those amounts established by state law.

SECTION 2. The Code, Chapter 10.20 "ABANDONED VEHICLES," Section 10.20.090 "Collection of storage fees from state and federal agencies," subsection (B), is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

10.20.090 Collection of storage fees from state or federal agencies.

B. Storage of a vehicle constitutes acceptance of the ~~following fees:~~ established fee schedule.

~~1. Any vehicle stored by the town shall be subject to a one-time \$150.00 processing fee which includes an agent of the town conducting an inspection of the vehicle and taking an inventory of the vehicle's contents.~~

~~2. A per vehicle storage fee of \$35.00 per day shall be assessed upon the requesting law enforcement agency.~~

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, 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 9th DAY OF MAY, 2019.


Johann Wallace, Mayor

ATTEST:


Matt Williams, Interim Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

