



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-16

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE BY ADDING NEW TITLE 16 “NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY” TO ESTABLISH REGULATIONS FOR REGISTERING AND MAINTAINING FORECLOSED, ABANDONED AND VACANT PROPERTY WITHIN THE TOWN; TO ESTABLISH REGULATIONS FOR DECLARING AND ABATING SLUM AND BLIGHTED PROPERTY; TO ESTABLISH MINIMUM STANDARDS FOR THE CONDITION OF THE INTERIOR OF RESIDENTIAL BUILDINGS; TO ESTABLISH REQUIREMENTS FOR THE MAINTENANCE OF ALL RESIDENTIAL AND NONRESIDENTIAL BUILDINGS AND STRUCTURES OF ANY KIND, AND VACANT AND IMPROVED LAND; TO ESTABLISH REGULATIONS FOR GRAFFITI PREVENTION, PROHIBITION AND REMOVAL; TO PROHIBIT ACTS AND CONDUCT THAT DIMINISH QUALITY OF LIFE; AND ADOPTING ENFORCEMENT AND ABATEMENT PROCEDURES AND SANCTIONS 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

WHEREAS, pursuant to A.R.S. sections 9-240 (B) (21) and 9-499, the Town may regulate nuisance properties within the Town and may prohibit and regulate accumulation of filth, debris or dilapidated buildings that constitute a hazard to public health and safety; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to establish programs and regulations to reduce the amount of deteriorating real property located within the Town, in particular, real property suffering from blight or creating nuisances caused by the lack of adequate maintenance; and

WHEREAS, the Town Council previously adopted Ordinance No. 2019-16 declaring “TITLE 16 “NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY” 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 26, 2019, and at a subsequent meeting on October 10, 2019.

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

SECTION 1. "TITLE 16 "NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY," a public record of the Town, three copies of which are on file in the office of the Town Clerk, is hereby approved and adopted.

SECTION 2. The Code, Title 16 is amended by adding new "TITLE 16 "NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY."

SECTION 3. Graffiti-related violations of this Ordinance are all criminal.

A. No person who owns or is in control of any real property within the Town shall maintain, permit or allow graffiti to remain on any sidewalk, building, sign, fence, wall or any other structures or surfaces where the graffiti is visible from the street or other public or private property. Doing so is a class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

SECTION 4. Non-graffiti-related violations of this Ordinance may be criminal or civil.

A. If the violation(s) concerns property used for residential purposes, the fine for a defendant's first citation under this Title shall be fifty dollars (\$50) per violation. The fine for a defendant's second violation under this Title shall be one hundred dollars (\$100) per violation. A defendant's third and subsequent violations under this Title over any timeframe after the second violation shall be classified as a 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. If the violation(s) concerns property used for non-residential purposes, the fine for a defendant's first citation under this Title shall be two hundred fifty dollars (\$250) per violation. The fine for a defendant's second violation under this Title shall be five hundred dollars (\$500) per violation. A defendant's third and subsequent violations under this Title over any timeframe after the second violation shall be classified as a 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 5. In addition to the penalties of sections 3 and 4, above, the court shall impose restitution as part of its sentence, to compensate the Town for its costs to enforce this Title and bring a building or land into compliance with this Title. Restitution shall include all costs of abatement, including inspection fees, and prosecution of the case.

SECTION 6. Any continuing violation of this Ordinance constitutes a public nuisance that may be abated by the Town. Imposition of a fine or penalty assessment shall not relieve the owner or responsible person of the responsibility of abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.

SECTION 7. 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 8. 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 24th DAY OF OCTOBER, 2019.



Johann Wallace, Mayor

ATTEST:



Janine Collins, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney



