

ORDINANCE NO. 21-1136

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, MODIFYING TITLE 8 OF THE DOUGLAS MUNICIPAL CODE RELATING TO HEALTH AND SAFETY BY AMENDING ORDINANCE 826 UNDER CHAPTER 8.32.260 REGULATING METHODS OF ISSUING CITATIONS, ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Douglas has never formalized a procedure for serving citations for Nuisances, Litter, Abandoned or Junk Vehicles.

WHEREAS, the City has been undertaking an effort to improve the health and appearance of the City by issuing citations for violations of Section 8.32.

WHEREAS, in person service of citations may not be an option when property owners do not dwell in the City of Douglas.

WHEREAS, State Statute permits flexibility in service of citations.

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

Section 1. In order to formally permit multiple methods of service of citations, under, Title 8, Chapter 8.32.260, of the Douglas Municipal Code is hereby amended to read in its entirety as follows (language additions are shown in colored print, and language deletions are shown in strikeout).

8.32.260 Civil Citation – authority to Issue.

The city manager, or his designee, shall appoint code enforcement officers as employees of the public works department. Any code enforcement officer and/or any city police officer shall be empowered to issue civil citations and commence proceedings before a judge of the municipal court for any violation of this chapter. Service of citation may be in-person, via certified mail, or any other method authorized by state law.

Section 2. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability: If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and this Ordinance shall continue in full force and effect after the deletion of the illegal or unconstitutional provision.

Section 4. Emergency Clause: Whereas the immediate operation of this Ordinance is necessary to the preservation of the public health, peace and welfare, an emergency is declared to exist and this Ordinance shall come into full force and effect by its terms from and after its passage by six-sevenths (6/7) of the Council and approval of the Mayor.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 25th day of August, 2021.

Donald C. Huish, Mayor

Approval as to form:

Denis Fitzgibbons, City Attorney

Attest:

Alma Andrade, City Clerk