

ORDINANCE NO. 837

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 10.05 (DEFINITIONS), 10.06 (RULES OF INTERPRETATION), AND 10.99 (GENERAL PENALTY) OF THE TOWN CODE.

(PART 1 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Title I: General Provisions of the Town Code has been reviewed; and

WHEREAS, the Town desires to amend Sections 10.05 (Definitions), 10.06 (Rules of Interpretation), and 10.99 (General Penalty),

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That the Definition of "Written" under Section 10.05 DEFINITIONS, of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

WRITTEN. Any representation of words, letters, or figures, whether by printing, email, electronic non verbal communication, or otherwise.

Section 2. That the first sentence of Section 10.06 RULES OF INTERPRETATION, of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly ~~repugnant~~ contrary to the intent of the legislative body or of the context of the same ordinance:

Section 3. That Section 10.99 GENERAL PENALTY, of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

(A) Any person found guilty of violating any provision of this Code for which another penalty is not set forth shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished in the same manner as is provided for the punishment for class one misdemeanors in A.R.S. Title 13, Chapters 7, 8 and 9, as amended from time to time, and as currently providing for a fine of not more than \$2,500 for individuals and not more than \$20,000 for firms, entities, companies,

corporations, or businesses and by imprisonment for not more than six months or by probation for not more than three years, or by any combination or all of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(B) Except for cases in which a person has been previously cited for the same or substantially similar violation within 24 months, any violation of this Code that would otherwise be a misdemeanor, may, upon concurrence of the prosecutor and the magistrate, be deemed a civil violation and punished in accordance with subsection (C) below.

(BC) Any violation of or failure or refusal to do or perform any act required by Title VII of this code constitutes a civil traffic violation which shall result in a civil penalty not to exceed \$250. In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02. Civil traffic violations are subject to the provisions of A.R.S. §§ 28-1591 et seq., as amended.

Section 4. If any section, subsection, or portion 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.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney