

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 ESTABLISHING AN EFFECTIVE DATE THEREOF.

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 via any other method authorized by State Statute.

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 All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective date: This Ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

Section 4. 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.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 8th day of September, 2021.

Donald C. Huish, Mayor

Approval as to form:

Attest:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney