

ORDINANCE NO. 21-1136

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

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

6 **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.

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

9 **WHEREAS**, State Statute permits flexibility in service of citations.

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

11 **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
12 shown in colored print, and language deletions are shown in strikeout).

13 **8.32.260 Civil Citation – authority to issue.**

14 **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
15 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.**

16 **Section 2.** All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

18 **Section 34. Severability:** If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is
19 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.

20 ~~**Section 45. Emergency Clause:** Whereas the immediate operation of this Ordinance is necessary to the
21 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.~~

22 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 25th day of August,
23 2021.

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Donald C. Huish, Mayor

Attest:

Approval as to form:

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Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

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