



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO.257

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING ARTICLE 1-8 OF THE CITY CODE OF THE CITY OF SAN LUIS, ARIZONA, PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING SEVERABILITY

BEING ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AS FOLLOWS:

Section 1. Article 1-8 of the City Code of the City of San Luis, Arizona, is hereby amended to read as follows;

Article 1-8. General penalty; continuing violations.

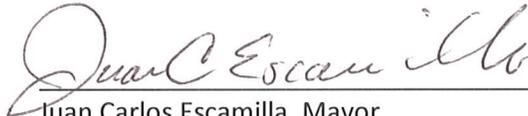
- (a) In this section "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance;
 - (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by this ordinance.
- (b) In this section "violation of this code" does not include the failure of a town officer or town employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided, a person convicted of a violation of this Code shall be guilty of a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or incarceration for a term not to exceed six months, or both such fine and incarceration. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

- (d) Any violation of or failure to do or perform any act required by Article 11 or Article 12 of this Code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. tit. 28, ch.5, arts. 5, 3 and 4 (A.R.S. §§ 28-1551 et. Seq., 28-1591 et. Seq.).
- (e) Violations of this Code for which a civil sanction is imposed shall be treated as a civil offense and hearings and appeals shall be conducted in accordance with the rules of procedure in civil traffic violation cases as set forth in the Arizona Revised Statutes, Rules of Procedure in Civil Traffic Cases. A person who commits a violation of this Code after previously having been found responsible for committing three or more civil violations of this Code within an 18-month period, whether by admission, by payment of the sanction, by default or by judgment after hearing, shall be guilty of a class one misdemeanor. For purposes of calculating the 18-month period under this subsection, the dates of the commission of the offenses are the determining factor.
- (f) Any person violating any of the provisions of this Code which are designated as subject to civil sanction or penalty shall be punished by imposition of a civil sanction not to exceed \$500.00, unless another penalty is specified.
 - (1) Any person who fails to comply with payment of a civil sanction shall be guilty of violating A.R.S. §13-2810, interference with judicial proceedings. Such conviction shall not be precluding the imposition of the assessment of a default fee and/or fees as set forth below.
 - (2) In addition to any civil sanction imposed, the municipal court shall assess a default fee of not less than \$75.00 for a failure to pay any civil sanction imposed by the court.
 - (3) A judge or hearing officer may waive all or part of the default fee if the payment of the fee would cause a financial hardship to the defendant.
 - (4) If the court refers any delinquent fines, fees, sanctions, penalties or restitution for collection, any collection or attorney costs are recoverable from the defendant and may be added to any balance due from the defendant to the court.
- (g) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (h) Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

Section 2. In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and the provisions of this ordinance shall govern.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona,
this 23rd day of January, 20 08.



Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney