



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 318

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ENACTING A CODE OF ORDINANCES FOR THE CITY OF SAN LUIS, ARIZONA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF SAN LUIS DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES

WHEREAS, the present general and permanent ordinances of the City of San Luis have, over time, become inadequately organized and classified and are insufficient in form and substance for the effective conduct of daily operations of the municipality's affairs; and,

WHEREAS, the Acts of the Legislature of the State of Arizona empower and authorize the City of San Luis to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and,

WHEREAS, the general ordinances of the City of San Luis as revised, amended restated, codified and compiled into book and electronic form have been declared a public record by Resolution No. 990.

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

SECTION 1. That a certain document in book and/or electronic form, three (3) copies of which are on file in the office of the City Clerk of the City of San Luis, being marked and entitled: *Code of Ordinances of the City of San Luis, Arizona*, is hereby adopted by reference as the new San Luis City Code.

SECTION 2. The Code of Ordinances as adopted in Section 1 shall consist of the following Titles: General Provisions, Administration, Public Works, Traffic Code, General Regulations, Business Regulations, General Offenses and Land Usage.

SECTION 3. All prior ordinances pertaining to the subjects treated in the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in

whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code, nor shall such repeal affect any ordinance adopted by the City of San Luis after January 12, 2011, nor shall any repeal affect Ordinance No. 228 adopted on April 13, 2005 and the provisions regarding encroachment permits and subdivision regulations adopted therein.

SECTION 4. General Penalty

- 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; or
 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 city officer or city 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 or incarceration for a term not to exceed six months, or both 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.

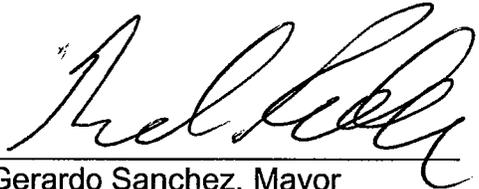
- D. Any violation of or failure to do or perform any act required by Title VII of this Code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. §§ 28-1551 *et seq.* and 28-1591 *et seq.*
- E. Violations of this Code for which a civil sanction is imposed shall be treated as a civil offense and hearings and appeal 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 division 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, 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. The conviction shall not preclude the imposition of the assessment of a default fee and/or fees as set forth below in division F2, 3 and 4.
 2. In addition to any civil sanction imposed, the Municipal Court shall assess a default fee as set by the Mayor and City Council from time to time 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 5. The Code of Ordinances as adopted in Section 1 shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded, and approved and that any public hearings and notices thereof as required by law have been given.

PASSED AND ADOPTED BY THE Mayor and City Council of the City of San Luis, Arizona, this 10th day of October 2012.



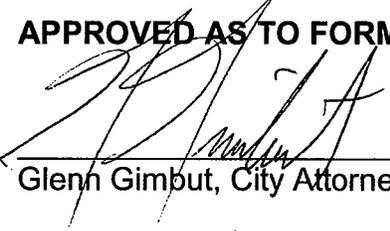
Gerardo Sanchez, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney