

ORDINANCE 615

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE "BENSON CITY CODE", CHAPTER 1 "GENERAL", ARTICLE 1-8 "PENALTY";

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BENSON, ARIZONA:

SECTION 1: The Benson City Code, Chapter 1 entitled "General", Article 1-8 entitled "Penalty; ", Subsections "A and B.", as presently published is hereby repealed in its entirety.

SECTION 2: The Benson City Code, Chapter 1 entitled "General", Article 1-8 entitled "Penalty", shall now read as follows:

A. Unless a violation of this Code has been otherwise classified within the particular chapter or section of the Code defining such, a violation of this Code shall be designated as a class one misdemeanor. Any person found guilty of a misdemeanor or petty offense violation of this Code, upon conviction, shall be sentenced and fined in accordance with Arizona Revised Statutes, Title 13, Chapters 7 and 8, and shall include state mandated surcharges, if applicable. State law reference A.R.S. §13-707 & §13-802.

B. Any violation of this Code that would constitute a civil traffic violation shall be subject to the provisions of Arizona Revised Statutes, Title 28, Chapter 5, and the Rules of Court Procedure for Civil Traffic and Civil Boating Violations.

C. Violations of this Code that are ongoing and continuous in time shall constitute a separate offense for each day that the violation continues and may be abated by injunctive or other equitable relief and shall be punishable as hereinabove described. The imposition of a fine does not prevent the ability to obtain equitable relief.

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the public record adopted herein by reference 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 portion thereof.

SECTION 5: Whereas, as it is necessary for the preservation of the peace, health, and safety of the citizens of the City of Benson, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

SECTION 6: Pursuant to A.R.S. §9-812 and §39-204, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEBSON, ARIZONA, this 9th day of May, 2022.



JOE A. KONRAD, Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



DeCONCINI McDONALD YETWIN & LACY, PC
By Paul A. Loucks
City's Attorney