

ORDINANCE NO. 15-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 1, RELATING TO CIVIL CITATIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The Fountain Hills Town Code, Chapter 1 (General), Article 1-8 (Penalty), Section 1-8-3 (Civil Penalty Provisions), Subsection 1-8-3(D) (Civil Citations), is hereby amended as follows:

D. Civil Citations.

1. Unless otherwise designated as a criminal offense, if a violation continues past the compliance time set forth in the notice of violation, a civil citation may be issued to the person or entity responsible for the violation.
2. A civil citation may be issued by the Town Manager or authorized designee.
3. The civil citation shall include the date of the violation, a reference to the sections(s) violated and, if applicable, the location of the property or site at issue.
4. The civil citation shall direct the defendant to pay the fine imposed pursuant to subsection 1-8-3(E) below or appear in the Fountain Hills Municipal Court ~~within ten days of issuance of~~ ON THE DATE NOTED ON the citation, WHICH DATE SHALL NOT BE LESS THAN TEN DAYS AFTER CITATION ISSUANCE.
5. The civil citation shall provide notice that if the defendant fails to pay the fine or appear in the Fountain Hills Municipal Court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear.
6. Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
 - a. Hand delivering the citation to the defendant. IF THE DEFENDANT IS A BUSINESS, SERVICE MAY BE BY HAND DELIVERY TO THE BUSINESS OWNER, ANY ADULT MANAGER OF THE BUSINESS, OR ANY ADULT EMPLOYEE OF THE BUSINESS.
 - b. Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. IF THE DEFENDANT IS A BUSINESS, SERVICE MAY BE BY CERTIFIED OR

REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO THE CURRENT BUSINESS ADDRESS.

- c. Any means allowed by the Arizona Rules of Civil Procedure for the Superior Courts of Arizona.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion 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.

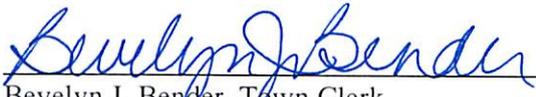
SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, March 19, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

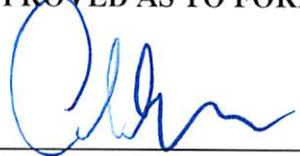

Linda M. Kavanagh, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Kenneth W. Buchanan, Town Manager


Andrew J. McGuire, Town Attorney