

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, AMENDING TITLE 10 – VEHICLES AND TRAFFIC, CHAPTER 10.16 – PARKING, SECTION 10.16.090 RELATED TO PROVIDING AUTHORITY TO ENFORCE FOR UNLAWFUL PARKING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and Council desire to adopt certain regulations to protect the health, safety, and welfare of the Town of Youngtown and its residents; and

WHEREAS, the Mayor and Council desire to provide the authority to tow vehicles that have been parked unlawfully.

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 10 – Vehicles and Traffic, Chapter 10.16 – Parking is hereby amended by amending Section 10.16.090 - Penalty; prima facie evidence of parking infraction; violation to read as follows (added text appears in ALL CAPS):

10.16.090 - Penalty; prima facie evidence of parking infraction; violation; ENFORCEMENT.

- A. Unless otherwise provided, violations of this chapter are civil traffic violations and shall be prosecuted as provided in Section 1.12.010 of the Town Code.
- B. The owner(s) of the vehicle and the person who parked or placed the vehicle where the violation occurred shall be jointly and individually liable for the violation and for the fine and fees prescribed therefor.
- C. In any prosecution charging a violation of this chapter, proof that the particular vehicle described in the citation or complaint was parked in violation of this section, together with proof that the defendant was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
- D. Any stopping, standing or parking restrictions provided in this chapter shall not apply to any code enforcement officer, law enforcement officer, fire personnel, or peace officer when such stopping, standing, or parking is in actual performance of official duties.

- E. The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer or official traffic-control device.
- F. LAW ENFORCEMENT OFFICERS OR OTHER DULY AUTHORIZED AGENTS ARE AUTHORIZED TO REMOVE OR DIRECT REMOVAL OF ANY MOTOR VEHICLES FROM ANY STREET, ROAD OR ROADWAY TO THE NEAREST GARAGE OR TOWING COMPANY LOT DESIGNATED BY OR CONTRACTING WITH THE TOWN OR OTHERWISE MAINTAINED BY THE TOWN, AT THE VEHICLE OWNER'S EXPENSE, WHEN ANY MOTOR VEHICLE IS LEFT UNATTENDED UPON A PUBLIC OR PRIVATE STREET, ROAD, OR ROADWAY IN A MANNER THAT VIOLATES TOWN CODE OR STATE LAW REGULATING THE STANDING OR PARKING OF VEHICLES.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code 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 portions thereof.

Section IV. Providing for Penalties.

Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be responsible under Section 1.12.010 of the Town Code for a civil violation, punishable by a fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation. Each day that a violation continues shall be a separate offense punishable as herein described. After having been found responsible for committing three (3) or more civil infractions of the same code provision in any twenty-four (24) month period, a person is a habitual offender and may be charged with a class one misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than twenty-five hundred dollars (\$2500), imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

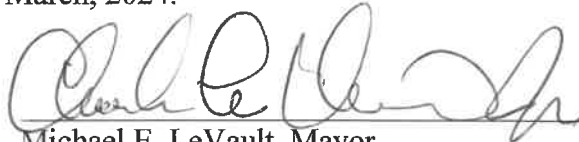
Section V. Zoning Considerations.

In accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance. The Town Council has also considered a housing impact statement in accordance with A.R.S. § 9-462.01(J)(1)-(3).

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 7th day of March, 2024, by the following vote:

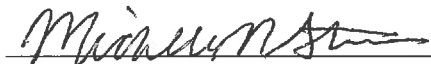
AYES: 7
NAYES: 0 ABSENT: 0
EXCUSED: 0 ABSTAINED: 0

APPROVED this 7th day of March, 2024.


Michael E. LeVault, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Pierce Coleman PLLC
Town Attorneys
By Trish Stuhan

I, Nicole Smart, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2024-01 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 7th DAY OF MARCH, 2024 WAS POSTED IN THREE PLACES ON THE 8th DAY OF MARCH, 2024.


Town Clerk