

**Ordinance No. 762**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING ARTICLE 10-03 "RESERVED" OF CHAPTER 10 "OFFENSES" OF THE PRESCOTT VALLEY TOWN CODE AND ADOPTING BY REFERENCE A DOCUMENT ENTITLED "ARTICLE 10-03, UNDERAGE DRINKING; NUISANCE PARTIES" (DECLARED BY RESOLUTION 1759 TO BE A PUBLIC RECORD), TO AMONG OTHER THINGS, AUTHORIZE LAW ENFORCEMENT OFFICERS TO POST PROPERTIES IN WHICH FREQUENT NUISANCE PARTIES OCCUR AS NUISANCE PROPERTIES AND IMPOSE CIVIL PENALTIES FOR VIOLATIONS THEREOF; SETTING FORTH IN FULL THE PENALTY CLAUSE ADOPTED BY REFERENCE PER ARS §9-803, PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, REENACTED, OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, ARS §9-240(B)(12) allows common councils of Arizona towns to appoint policemen and prescribe their powers and duties; and

WHEREAS, ARS §28-240(B)(21) allows common councils of Arizona to define, abate and remove nuisances, and punish persons committing nuisances; and

WHEREAS, ARS §28-240(B)(29) allows common councils of Arizona to adopt ordinances for the government of the corporation and to provide the manner of prosecution and define the punishment for the violation of such ordinance; and

WHEREAS, the Town of Prescott Valley recognizes that underage drinking is a significant public safety concern, and that underage alcohol consumption is linked to traffic accidents, violence, unsafe sex, educational failure and other problem behaviors as well as health risks; and

WHEREAS, young people often obtain alcohol from older adult friends, family members and other adults who buy or provide alcohol to them at loud and unruly parties where a lack of adequate supervision can lead to public drunkenness, fights, disturbances of the peace, traffic and litter; and

WHEREAS, such disruptive behavior occurring in residential areas may create such a nuisance that it interferes with the comfortable enjoyment of life or property of a neighborhood or the community at large; and

WHEREAS, the Town of Prescott Valley intends to hold adults who provide alcohol to underage persons accountable for their actions through enforcement approaches aimed at deterring underage nuisance parties and social availability of alcohol; and

WHEREAS, the Mayor and Council have now considered the proposed amendments to Article 10-03 "UNDERAGE DRINKING; NUISANCE PARTIES" of Chapter 10 "OFFENSES"

of the Prescott Valley Town Code and determined that it is in the best interests of the community and meets the health, safety and welfare needs of the community; and

WHEREAS, ARS §9-802 provides for the adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records”;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA AS FOLLOWS:

SECTION ONE. That Article 10-03 “RESERVED” in Chapter 10 “OFFENSES” of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended as follows.

SECTION TWO. That certain document entitled “Article 10-03 Underage Drinking; Nuisance Parties” of the Town Code of the Town of Prescott Valley, is hereby declared to be a “public record” by Resolution No. 1737 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION THREE. That a penalty clause is included in said public record as Section 10-03-120 “PENALTIES” in “Article 10-03 “UNDERAGE DRINKING; NUISANCE PARTIES” of Chapter 10 “OFFENSES” of the Town Code, which reads as follows.

**10-03-120 Penalties.**

A. Nuisance Party. The penalty for persons found responsible for a nuisance party violation as provided in Section 10-03-150, shall be a minimum mandatory fine of one hundred dollars (\$100.00).

B. Nuisance parties on posted properties. The penalty for persons found responsible for the occurrence of a nuisance party at a posted property, as provided in Section 10-03-070, shall be:

1. A minimum mandatory civil fine of five hundred dollars (\$500.00) for a first violation,
2. A minimum mandatory civil fine of one thousand dollars (\$1,000.00) for a second violation, and
3. Minimum mandatory civil fines of one thousand five hundred dollars (\$1,500.00) for each third or subsequent violation.

C. The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of a nuisance party.

(Ord. No. 295, Enacted, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, \_\_/\_\_/\_\_)

SECTION FOUR. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed, reenacted or amended, shall remain in full force and effect.

SECTION FIVE. That, if any provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION SIX. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney