



Legislation Text

File #: 20-348, **Version:** 1

TO: Mayor and Town Council

FROM: Andrew Miller, Town Attorney

DATE: September 10, 2020

CONTACT:

AGENDA TITLE:

Adoption of Ordinance No. 2020-11 Amending Chapter 1 General, Article 1-9, Penalty, Section 1-9-3, Civil Penalty Prescribed.

RECOMMENDATION:

Adopt Ordinance Number 2020-11.

BACKGROUND:

At its June 10, 2020 meeting, Council asked staff to research & provide improvements to the unruly gathering ordinance during the summer break. Staff has prepared draft ordinances to expand the scope of the responsibility of Owners of properties where an Unruly Gathering occurs (whether it is a short term rental, long term rental or otherwise) and to increase the penalties for Owners where possible.

In addition to the recommended changes to the Unruly Gathering Ordinance contained in companion Ordinance 2020-10, changes are recommended to Article 1-9 as the civil penalty provisions in section 1-9-3 of the Town Code are outdated. Section 1-9-3 sets a limit of \$750 for civil code violations, however, Arizona statutory changes have now increased the authority for municipalities to assess up to \$2,500 per civil code violation. Draft Ordinance 2020-11 will update Town Code Section 1-9-3 to now provide that the maximum penalty for a civil violation will be "the maximum permitted by law," (currently \$2,500 per violation). Adopting the new language will permit the maximum penalty to "float" with future changes in the state statutes that may increase the maximum amount of a civil penalty over time instead of requiring future amendments to Section 1-9-3.

It is also requested by staff that Section VIII b) 2) of the Council Rules of Procedure be waived for this Ordinance so that these simple changes to the civil penalty provisions in the Town Code can be heard and implemented quickly.

The ordinance revisions also contain an emergency clause due to the need to have these updates in effect as a supplemental civil enforcement tool in response to the burgeoning Unruly Gathering problems noted in the Action Report for Ordinance No 2020-10. Pursuant to A.R.S. § 19-142(B), for the emergency clause to take effect Ordinance 2020-10 must be approved by a $\frac{3}{4}$ vote of the Council, and also approved by the Mayor.

NEXT STEPS

Review and adopt Ordinance No. 2020-11.

ATTACHMENTS:

Ordinance No. 2020-11

PowerPoint Presentation