

## ORDINANCE 16-397

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, AMENDING "TOWN CODE CHAPTER 12.16 TOWN CEMETERY" AND ADOPTING BY REFERENCE AMENDED "TOWN CODE CHAPTER 12.16 TOWN CEMETERY" AND PROSCRIBING PENALTIES FOR VIOLATIONS THEREOF.**

Section 1.      Adoption by Reference. Pursuant to A.R.S. §9-802 the Town hereby adopts a text amendment to the Town Code, Town Code Chapter 12.16 Town Cemetery, dated April 21, 2016 that is declared a public record pursuant Resolution 16-1369.

Section 2.      Effective Date: This Ordinance is to be effective when publication and posting pursuant to A.R.S. §9-812 is accomplished.

Section 3.      Copies of this text amendment. At least three (3) copies of "TOWN CODE CHAPTER 12.16 TOWN CEMETERY" dated April 21, 2016 and any future amendment or revisions, shall be kept on file in the office of the Town Clerk and on the Town website for public access. Additional copies may be purchased by the public. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 4.      Penalty clauses included in the amended Town Code sections are set forth below pursuant to A.R.S. § 9-813:

### 12.16.110 Enforcement and Penalties.

A. The Town Police Department, the Code Enforcement Officer, and employees of the Public Works Department shall, in connection with their duties, enforce the provisions of this Chapter.

B. The Town Police Department, the Code Enforcement Officer, and employees of the Public Works Department shall have the authority to order any person or persons acting in violation of this ordinance to leave the cemetery.

C. Violators of this Chapter may be cited using the uniform traffic citation form or any other form approved by the Chief of Police. The citation shall show the specific Section or Sections alleged to have been violated, a brief description of the violation, whether the citation is for a civil or criminal offense, and whether the violation is charged as a second, third or greater offense. If there is no designation of a second or greater offense, the citation shall be considered a first offense. For continuing violations, the dates or the number of days shall also be noted on the citation.

D. Violations of the following sections of this Chapter shall be charged on the first and subsequent offenses as a Class 2 Misdemeanor:

1. Section 12.16.020.
2. Section 12.16.050.B.
3. Sections 12.16.080.C, D, E, F, G, H, and J.
4. Section 12.16.100.A and C.

E. Civil Violations. When a violation of this Chapter, except as set forth in section 12.16.110.D, above, is undesignated or designated a first offense by the enforcement officer or the Town Attorney, a person found to have been in violation of this Chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500), plus restitution for personal injuries, property damage or any other economic loss suffered by any person including the Town.

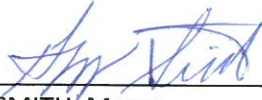
F. Criminal Violations. When a person convicted of a violation of this Chapter is a person who has been previously convicted of a violation of a provision of this Chapter within a period of twelve (12) months, the person shall be deemed to have committed a Class 2 Misdemeanor, pursuant to Arizona Revised Statutes, Title 13, Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than Seventy-Five Dollars (\$75) nor more than Seven Hundred Fifty Dollars (\$750) for each violation or count, plus surcharges, fees and restitution for personal injuries, property damage or any other economic loss suffered by any person including the Town.

G. Jail Time. No violator shall be subject to jail time for offenses charged pursuant to this Chapter, but this prohibition shall not apply to offenses designated as violations of Arizona revised Statutes, the United States Code or other applicable laws. (Ord. 06-285)

Section 5. Severability. All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, on the 21st day of April 2016, to be effective when publication and posting, pursuant to A.R.S. §9-812, is completed.

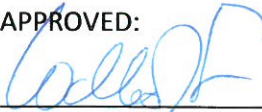
TOWN OF PINETOP-LAKESIDE

  
\_\_\_\_\_  
GREG SMITH, Mayor

ATTEST:

  
\_\_\_\_\_  
LEAH CHAVEZ, Town Clerk

APPROVED:

  
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WILLIAM J. SIMS III, Town Attorney