

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 09-21

AN ORDINANCE OF THE CITY OF BUCKEYE, MARICOPA COUNTY, ARIZONA, AMENDING THE CITY OF BUCKEYE CODE OF ORDINANCES, CHAPTER 8 – BUSINESS REGULATIONS, ARTICLE 8-1 – BUSINESS LICENSE, BY ADDING SECTION 8-1-16 – VIOLATIONS; PENALTIES; RELATED TO BUSINESS LICENSE VIOLATIONS PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and Council of the City of Buckeye, Arizona (the “City Council”) deem it necessary, in order to protect the public health, safety and welfare and public and private property, to adopt certain rules, regulations and penalties related to violations of the Code pertaining to Business Licenses; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Buckeye, Maricopa County, Arizona, as follows:

Section 1. The City of Buckeye, Arizona Code of Ordinances, Chapter 8 – Business Regulations, Article 8-1 – Business License, by adding Section 8-1-16 – Violations; Penalties is amended to read as follows:

8-1-16 – Violations; Penalties

A. Except as otherwise provided in this chapter, any person found in violation of any provision in this chapter shall first be issued a notice of violation and provided 30 days in which to correct the violation. If the violation is not corrected within the 30 day period, the violation shall be a civil offense and subject to civil penalties as a first offense in an amount not less than \$150.00 and not exceeding \$2,500.00. A second or subsequent violation within an 18 month period shall be a civil offense and subject to civil penalties in an amount not less than \$300.00 and not exceeding \$2,500.00 for a second offense, and not less than \$500.00 and not exceeding \$2,500.00 for a third and subsequent offense. Each day that a violation continues shall constitute a separate civil offense.

B. After having been found responsible for committing three or more civil offenses of the same code provision in any 24-month period, whether by admission, by payment of the fine, by default or by judgment after hearing, a person is a habitual offender and may be charged with a Class 1 misdemeanor. For purposes

of calculating the 24-month period under this subsection, the dates of the commission of the offenses shall be used. Any person found guilty of a Class 1 misdemeanor under this subsection shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code are hereby repealed.

Section 3. 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 4. A violation of any provision of this Ordinance shall be a civil offense as prescribed herein.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 1st day of June, 2021.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

Shiela B Schmidt, City Attorney