

ORDINANCE NO. 1512

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, BY REPEALING CHAPTER 5: MUNICIPAL COURT, IN ITS ENTIRETY AND ADOPTING BY REFERENCE A NEW CHAPTER 5: MUNICIPAL COURT SET FORTH IN THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "2021 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 5: MUNICIPAL COURT"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Chapter 5 of the Apache Junction City Code ("A.J.C.C."), Volume 1 relating to municipal court operations was last updated by Ordinance No. 1466 on November 20, 2018; and

WHEREAS, since that time, there has been a change of personnel in the municipal court, most importantly, the presiding magistrate himself; and

WHEREAS, the presiding magistrate desires to add to his staff a part-time associate magistrate and a judicial assistant through a council appointment process; and

WHEREAS, the current language of the code does not enable the presiding magistrate to make such appointment recommendations to the council; and

WHEREAS, the code can be changed to accommodate these personnel additions; and

WHEREAS, such modifications to the code were presented to the council during a new business discussion item on September 7, 2021 and at a public hearing on September 21, 2021; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and an electronic copy is accessible on the city's website and made available for public inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include those relating to municipal court operations; and

WHEREAS, city staff has determined that for administrative efficiency, it is more appropriate to update the city code by

repealing the current version of Chapter 5 of Apache Junction City Code Volume 1 in its entirety and replacing it with an updated version.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I            IN GENERAL

1. That existing Apache Junction City Code, Volume 1, Chapter 5: Municipal Court, is hereby repealed in its entirety.
2. That certain document known as "2021 Amendments to the Apache Junction City Code, Volume 1, Chapter 5: Municipal Court", one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 21-41 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II            REPEALING ANY CONFLICTING PROVISIONS

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

SECTION III            PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations 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 noted otherwise, any violation of any provisions adopted herein, shall be punishable as a Class 1 Misdemeanor consistent with Apache Junction City Code, Volume 1, Chapter 1: General, Article 1-8: Penalty.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SIGNED AND ATTESTED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

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RICHARD J. STERN  
City Attorney