

MARANA ORDINANCE NO. 2019.008

RELATING TO TRAFFIC AND HIGHWAYS; AMENDING MARANA TOWN CODE TITLE 12 (TRAFFIC AND HIGHWAYS), CHAPTER 12-5 (IMPOUNDMENT OF VEHICLES); REVISING SECTION 12-5-3 (RETURN OF IMPOUNDED VEHICLE); AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the town; and

WHEREAS the Marana Police Department is authorized by various state statutes and Chapter 12-5 of the Marana Town Code to impound vehicles in certain circumstances; and

WHEREAS the Town Council finds that the revisions to Chapter 12-5 of the Marana Town Code set forth in this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 12 (Traffic and Highways) is hereby amended to revise section 12-5-3 (Return of impounded vehicle) as follows (with deletions shown with ~~strikeouts~~):

12-5-3 Return of impounded vehicle

- A. Unless the vehicle is being held for forfeiture proceedings or unless the vehicle is being held as evidence in a pending criminal case, the police department shall allow the return to the owner of the impounded vehicle when the owner has furnished evidence of identity and ownership and signed a receipt. The owner shall be required to pay any towing and storage fees which have accrued. ~~If the vehicle is stored on town property, the owner shall pay an amount established by a fee schedule adopted by the council and amended from time to time for each day or any fraction of a day the vehicle is kept in the custody of the police department.~~ Payment of any towing and storage fees shall not release the owner or driver of the vehicle of any other penalty which may be imposed for any violation of town ordinances, this code, state or federal laws.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 19th day of March, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney