

ORDINANCE NO. 2022-922

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, REPEALING CERTAIN PORTIONS OF ORDINANCE 2021-905 RELATING TO COVID-19 AND AMENDING THE TOWN CODE, TITLE III, ADMINISTRATION, CHAPTER 34, COURT, SECTION 34.05, HOME DETENTION PROGRAM, RELATED TO THE ESTABLISHMENT AND ADMINISTRATION OF A HOME DETENTION PROGRAM BY THE PRESIDING MAGISTRATE OF THE MAGISTRATE COURT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, A.R.S. § 9-499.07 allows cities or towns to establish prisoner work, community restitution work, continuous alcohol monitoring, and home detention programs for eligible sentenced prisoners; and

WHEREAS, home detention/electronic monitoring programs have been proven to be successful in other jurisdictions within Arizona; and

WHEREAS, home detention, coupled with intensive treatment and electronic monitoring, has been proven to be an effective alternative to incarceration for DUI offenders; and

WHEREAS, the Town Council finds the necessity of containing the home detention program for persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382; and

WHEREAS, the Town Magistrate previously submitted the Home Detention Program attached to Ordinance No. 2021-905 as Exhibit A (the "Program") and recommended that the Town Council approve the Program, which the Town Council approved pursuant to Ordinance No. 2021-905; and

WHEREAS, the Town Council found that detailed provisions related to sentencing, prisoner eligibility, administration, and other matters are best left to the discretion of the judicial branch of government, and therefore approved the Program as submitted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. Chino Valley Town Code, Title III (Administration), Chapter 34 (Court), Section 34.05 (Home Detention Program), is hereby amended by deleting Subsection 34.05(E) in its entirety.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Specifically, the provisions of Ordinance No. 2021-905 that refer to COVID-19 are hereby repealed.

Section 4. If 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 5. Because of the urgent need to continue the Program, the immediate operation of this Ordinance is necessary for the preservation of health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon adoption by the Town Council.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 13th day of September, 2022.



A handwritten signature in blue ink, appearing to be "Jack W. Miller".

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to be "Andrew J. McGuire".

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2022-922 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 13, 2022, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk