

Ordinance No. 785

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT "PROPERTY MAINTENANCE AMENDMENTS" DECLARED BY RESOLUTION NO. 1864 TO BE A PUBLIC RECORD; AMENDING SECTION 9-04-010 "DEFINITIONS" IN ARTICLE 9-04 "PROPERTY MAINTENANCE" IN CHAPTER 9 "HEALTH AND SANITATION" OF THE TOWN CODE TO CONFORM WITH RECENT AMENDMENTS TO THE ARIZONA REVISED STATUTES AND SECTION 13-06-020 "USE REGULATIONS" IN ARTICLE 13-06 "R1L(RESIDENTIAL; SINGLE FAMILY LIMITED)" IN CHAPTER 13 "ZONING" OF THE TOWN CODE TO MAKE ADDITIONAL CONFORMING CHANGES; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, ARS §9-499 authorizes cities and towns to compel by ordinance owners, lessees or occupants of buildings, grounds or lots to remove rubbish, trash, weeds, or other accumulations of filth or debris which constitute a hazard to public health and safety, from buildings, grounds, lots, contiguous sidewalks, streets, and alleys; and

WHEREAS, under the authority of ARS §9-499, the Town of Prescott Valley adopted Article 9-04 "Property Maintenance" of the Town Code; and

WHEREAS, on April 10, 2013, the Governor signed into law SB 1466, which amended ARS §9-499 to add a definition for "dilapidated buildings" for purposes of abating nuisances; and

WHEREAS, staff desires to amend the Town Code to conform to the provisions of SB 1466; and

WHEREAS, the Town Council hereby finds that this amendment is in the best interests of the community and is designed to further the health, safety and welfare of its citizens; and

WHEREAS, A.R.S. §9-802 permits adoption of public records by reference, and the document attached hereto "PROPERTY MAINTENANCE AMENDMENTS" has been declared by Resolution No. 1864 to be such a public record;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document attached hereto entitled "PROPERTY MAINTENANCE AMENDMENTS" declared by Resolution No. 1864 to be a public record and on file in the office of the Town Clerk for public review, be hereby adopted as if fully set forth herein in accordance with A.R.S. §9-802.

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FIVE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 23th day of January, 2014.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney