

ORDINANCE NO. 696

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON, ADOPTING SUCH AMENDMENTS BY REFERENCE, AND REPEALING ORDINANCE 579 (AMENDING NEW DEVELOPMENT WATER REQUIREMENTS).**

**WHEREAS**, Section 50.03 of the Code of the Town of Payson requires any person developing a project that will use over 20 Equivalent Peak Residential Water Units ("ERU's") to provide the Town with a new water supply independent of the Town's current supply; and

**WHEREAS**, on February 22, 2001, the Town of Payson approved Ordinance 579 which provided that certain affordable housing projects and economic development projects within the Green Valley Infill Incentive District could pay the water development fee in lieu of bringing new water for projects using less than 60 ERU's; and

**WHEREAS**, the Town of Payson has previously allowed persons to develop new water supplies uncommitted to a specific project and to sell such supplies to third persons for use on projects within the Town; and

**WHEREAS**, on August 3, 2006, the Town Council directed Town staff to draft an Ordinance to eliminate the requirement that developers bring their own water for new developments and to restrict the establishment and/or sale of ERU credits; and

**WHEREAS**, the Town finds that it is appropriate for the Town to be the only supplier of ERU's within its borders; and

**WHEREAS**, the Town of Payson has found that the adoption of this Ordinance Number 696 is necessary and appropriate to provide for and promote the health, safety, and welfare of the citizens of the Town of Payson and is a lawful exercise of police power vested in the Town; and

**WHEREAS**, an amendment to Section 50.03 of the Code of the Town of Payson was declared to be a public record by Resolution 2214; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 50.03 by reference pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That the amendment to Section 50.03 of the Code of the Town of Payson set forth in Resolution 2214 was heretofore declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and added to the Code of the Town of Payson and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 696.

- Section 2. That at least three copies of the amendment to Section 50.03 of the Code of the Town of Payson, as adopted by this Ordinance Number 696 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.
- Section 3. All violations of Section 50.03 of the Code of the Town of Payson shall be punishable as class one misdemeanor violations pursuant to Section 50.99 of the Code of the Town of Payson.
- Section 4. Ordinance 579, adopted on February 22, 2001, is hereby repealed.
- Section 5. It is declared to be the policy of the Town of Payson that no future ERU credits shall be established and/or allowed for sale or other transfer.
- Section 6. That the Town of Payson be and is hereby authorized to take and perform such other and future actions as are necessary or appropriate to carrying out the terms of this Ordinance.
- Section 7. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 696 are hereby repealed to the extent of such conflict.
- Section 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 696 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 of this Ordinance Number 696. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 696 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

**Section 9. The provisions of this Ordinance Number 696 shall expire on December 31, 2007, unless renewed by the Mayor and Common Council.**

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney