

ORDINANCE NO. 714

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF SECTION 152 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDMENTS TO DRAINAGE REQUIREMENTS).

WHEREAS, the Town of Payson has a duty to provide and promote the health, safety, and welfare of the citizens of the Town; and

WHEREAS, the Town has the authority to regulate subdivisions and development within the Town; and

WHEREAS, the Town has the authority to construct, maintain, and/or regulate all drainage ways within the Town; and

WHEREAS, Section 152 of the Code of the Town of Payson regulates drainage, detention, retention, and other requirements related to storm water within the Town; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 714 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, amendments to Section 152 of the Code of the Town of Payson were declared to be a public record by Resolution 2272; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 152 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. The Town of Payson finds that the amendments to Section 152 adopted by this Ordinance:
- A. Improve the public's health and safety, protect public sanitation, secure the Town's transportation systems, and increase the values of all real property within Payson;
  - B. Improve the drainage system and drainage overall in Payson, thus reducing (i) the flooding of properties and adjacent properties, (ii) the unsafe and unhealthy pooling of water, and (iii) the flooding of streets, sidewalks, trails, and other transportation corridors; and

C. Help to prevent nuisances created by storm water, flooding, and pooling of water.

Section 2. That the amendments to Chapter 115210 (Grading and Drainage) of the Code of the Town of Payson set forth in Resolution 2272 were 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 714.

Section 3. That at least three copies of the amendments to Chapter 152 of the Code of the Town of Payson, as adopted by this Ordinance Number 714 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 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 714 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 714 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 714. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 714 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 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 714 is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction based upon Arizona law, including, but not limited to, the provisions of the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134), the section, subsection, sentence, clause, phrase, or portion of Chapter 152 that was in effect at the effective date of this Ordinance shall be reinstated with no further action by the Town.

Section 7. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this Ordinance 714 shall not become operative until 30 days after its passage.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

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

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F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney