ORDINANCE NO. 735

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON BY REFERENCE, RELATING TO WATER CONSERVATION, AND AMENDING PREVIOUSLY ADOPTED REGULATIONS AND RESTRICTIONS FOR MANAGEMENT OF WATER USE.

WHEREAS, on or about December 12, 2002, the Town of Payson adopted Resolution Number 1742 and Ordinance Number 620 establishing water conservation regulations; and

WHEREAS, the Town of Payson desires to amend said water conservation regulations,

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 735 is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona; and

WHEREAS , the Mayor and Common Council have heretofore adopted Resolution Number 2367; and

WHEREAS, it is the desire of the Mayor and Common Council to amend said Article 2 of Chapter 50 of Title V of the Code of the Town of Payson as set forth in Resolution Number 2367, 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 Article 2 of Chapter 50 of Title V of the Code of the Town of Payson, as amended, has heretofore been declared to be a public record by Resolution Number 2367, heretofore adopted, and all of the same is hereby adopted by this reference as though all the provisions of Resolution Number 2367 and Title V of the Code of the Town of Payson set forth therein were set forth in full in this Ordinance Number 735.

Section 2. That at least three copies of Resolution Number 2367 and of this Ordinance Number 735 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be kept available for public use and inspection.

Section 3. Article 2 of Chapter 50 of Title V of the Code of the Town of Payson, as amended, contains the following penalty clause, which is hereby adopted by this Ordinance Number 620:

§ 50.99 PENALTY.

A. Any violation of this chapter for which no other penalty is designated shall constitute a misdemeanor and shall be punishable as set forth in § 10.99 of this code.

B. Any violation of any provision in §§ 50.75 to 50.84 shall be a civil violation and

1st Reading & Pub. Hrg. APR 17 2008 ~~MAY 01~~ 2008 G.7 G.3 2nd Reading & Public Hearing

shall be subject to a civil sanction of not less than Fifty Dollars ($50.00) and not to exceed Two Thousand Five Hundred Dollars ($2,500.00) for each day that the violation continues. The imposition of a civil sanction shall not be suspended.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 735 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 735 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 735. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 735 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.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney