ORDINANCE NO. 750

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 10.06 OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE APPOINTMENT OF DESIGNEES.

WHEREAS, the Town Code requires various officers, directors, department heads, employees or other persons to make decisions, determinations, or to take various actions; and

WHEREAS, on occasion, such officers, directors, department heads, employees or other persons are unable to make such decisions, determinations, or to take such actions for various reasons including incapacity and/or vacancy of position; and

WHEREAS, the Town desires to have a procedure for such situations; and

WHEREAS, it is the desire and intent of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 10.06 to provide for such procedure,

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

Section 1. That Section 10.06 of the Code of the Town of Payson be and is hereby amended and as amended shall read as follows:

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *And/or.* "Or" may be read "and," and "and" may be read "or," if the sense requires it.

(B) *Acts by agents.* When this code or an ordinance requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

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(C) *Designees.* If this Code or any code adopted pursuant to this Code requires a decision, determination, or other act to be made or done by a specific officer, director, department head, employee, or person, such officer, director, department head, employee, or person may appoint a designee to make such decision, determination, or do such other act(s). If such officer, director, department head, employee or person is incapacitated or fails to appoint a designee, or if the officer, director, department head, employee, or person's position is vacant, the Town Manager may appoint a designee. If the Town Manager is incapacitated, the Mayor may appoint a designee. If the Town Manager's position is vacant, the Town Council may appoint a designee.

(D) *Gender; singular and plural; tenses.* Words of the masculine gender include the feminine; words in the singular number include the plural, and words in the plural number include the singular. The present tense includes the past and future tenses, and the future includes the present.

(E) *General terms.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 692 are hereby repealed to the extent of such conflict.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 750 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 750. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 750 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 _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney