

ORDINANCE NO. 756

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE CODE OF THE TOWN OF PAYSON AND THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO LANDSCAPING AND ADOPTING PORTIONS OF SUCH AMENDMENTS BY REFERENCE (LANDSCAPE PROVISION CONSOLIDATION).

WHEREAS, the Town Code (Sections 153.01-153.19), as well as the Town's Unified Development Code (Section 15-03) currently contain provisions regulating landscaping; and

WHEREAS, in addition to being located in different documents, such provisions contain actual and potential conflicts; and

WHEREAS, the Town desires to consolidate the two provisions into section 15-03 of the Unified Development Code; and

WHEREAS, on January 12, 2009, the Planning and Zoning Commission held a Public Hearing on the recommended consolidation of the Landscaping provisions and recommended approval of such consolidation; and

WHEREAS, on February 5, 2009, the Payson Town Council conducted a public hearing on the proposed amendments and additions; and

WHEREAS, amendments to Section 15-03 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2473; and

WHEREAS, it is the desire of the Mayor and Common Council, in addition to the amendments set forth in this Ordinance, to amend the Code of the Town of Payson by amending Section 15-03 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 Sections 153.01, 153.02, 153.03, and 153.05 of the Code of the Town of Payson (Landscaping General Provisions) are hereby repealed.
- Section 2. That Section 153.15 through 153.19 of the Code of the Town of Payson (Landscaping Standards and Requirements) are hereby repealed.

Section 3. That Section 153.99 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

§ 153.99 PENALTY.

~~(A) Penalty for violation of landscaping provisions. When a violation of the provisions of §§ 153.15 through 153.19 are discovered by the town, a written notice shall be served upon, or sent by certified mail to, the owner, lessee or other person in control of the premises. The notice shall specify the nature of the violation and shall order the responsible party to abate the violation within 30 days after receipt of the notice. An individual convicted of a violation of any provision of these sections shall be deemed guilty of a misdemeanor and shall be fined \$300 per day, for each day the violation exists.~~

~~(A) (B) Penalty for certain tree violations. Any person who shall violate any provisions of §§ 153.30 through 153.32 of this chapter shall be subject, upon conviction in a court of competent jurisdiction, to a fine not exceeding the sum of \$2,500. In a prosecution under this chapter, each instance of a tree which is to be removed, damaged or destroyed will constitute a separate offense.~~

~~(B) (C)~~ Any person removing a native tree in violation of the provisions of § 153.33 shall be guilty of a violation of the town code for each such tree removed, and may, in addition to the penalties imposed under division ~~(A) (B)~~ of this section, be required to replenish the affected parcel with a new native tree, as the court deems necessary to protect the public health and welfare.

Section 4. Chapter 153 of the Code of the Town of Payson shall be named "Tree Preservation."

Section 5. That the amendments to Section 15-03 (Landscaping and Buffering) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2473 were heretofore declared to be a public record by such Resolution, and that the amendments to Section 15-03 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 756.

Section 6. That at least three copies of the amendments to Section 15-03 of Chapter 154, as adopted by this Ordinance Number 756 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 7. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 756 are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF PAYSON this _____ day of _____, 2009, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney