ORDINANCE NO. 799

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 30.08 AND AMENDING SECTION 93.47 OF THE CODE OF THE TOWN OF PAYSON, CODIFING THE REQUIREMENT FOR THE TOWN COUNCIL TO SET ALL FEES AND CHARGES AND ALL REQUEST FOR WAIVERS OR REDUCTIONS OF SUCH FEES AND CHARGES TO BE MADE TO THE TOWN COUNCIL. (FEES AND CHARGES)

WHEREAS, in May of 2009, the Town Council amended various Town Code provisions to allow the Council to set all fees and charges; and

WHEREAS, in 2009 and 2010, the Town Council approved a Town wide schedule of fees and charges; and

WHEREAS, in September of 2008, the Town Council directed that fees and charges be waived only in extraordinary circumstances and only by the Council and directed staff to create a Code Amendment implementing such policy; and

WHEREAS, Town staff has been unable to locate any such Town Code amendment as a result of the Council's direction; and

WHEREAS, the Town desires to codify that the Town Council shall set all fees and charges that only the Town Council may waive or reduce such fees and charges; and to make conforming changes,

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

Section 1. Section 30.08 of the Code of the Town of Payson is hereby added, and as added shall read as follows:

30.08 FEES AND CHARGES.

(A) The Council shall establish all fees and charges of the Town.

(B) No fee or charge may be waived or reduced except by Council action following a demonstration of extraordinary circumstances by the person, entity or group requesting the waiver or reduction.

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FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING

Section 2. Section 93.47 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

93.47 FEES AND CHARGES.

~~(A) Fees and charges for applications, facilities use, and clean up shall be established by the Parks and Recreation Director.~~

~~(B) The Parks and Recreation Director may, in appropriate cases, waive or reduce such fees or charges.~~

~~(C) An applicant who is dissatisfied with the Parks and Recreation Director's decision on whether to waive or reduce fees or charges may appeal such decision to the Town Council.~~

Fees and charges for applications, facilities use, and clean up shall be set by the Council from time to time.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance 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 _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney