ORDINANCE NO. 856

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING CHAPTER 91: NUISANCES OF THE PAYSON TOWN CODE AND ADOPTING SUCH AMENDMENTS BY REFERENCE.

(AMENDMENTS TO CHAPTER 91: NUISANCES)

WHEREAS, Chapter 91 of the Town Code contains provisions relating to nuisances within the Town; and

WHEREAS, Chapter 91 has been reviewed as part of the overall code review process; and

WHEREAS, the Town desires to amend Chapter 91 in accordance with such review; and

WHEREAS, it is the desire of the Mayor and Common Council, to amend Chapter 91 of the Payson Town Code 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 amendments to Chapter 91 (Nuisances) of the Payson Town Code set forth in Resolution 2796 were declared to be a public record by Resolution 2796, and the amendments to Chapter 91 are referred to and adopted by reference as though set forth in this Ordinance.

Section 2. At least three copies of the amendments to Chapter 91 adopted by this Ordinance shall be filed in the Office of the Town Clerk and shall be kept available for public use and inspection.

Section 3. Section 91.99(C) to Chapter 91 (Nuisances)of the Payson Town Code is amended and shall read as follows:

§ 91.99 PENALTY.

(C) Anyone who violates any of the provisions of §§ 91.35 through 91.46 shall be subject to the following:

(1) Daily civil sanction. Any owner, occupant, lessee, property manager, designated agent or other person having lawful control over a structure or parcel of land who causes, permits, facilitates or aids or abets any violation of this chapter or who fails to perform any act or duty required by this chapter is subject to a minimum civil sanction of not less than $25 per violation, and a maximum civil sanction of $100 per violation of this code. Each day any violation of any provision of this chapter exists shall constitute a separate violation.

First Reading + Public Hrg. SEP 0 4 2014 G.1.B.
Second Public hearing SEP 1 8 2014 G.3.b.

(2) Penalties. In addition to the penalties set forth in subsection (A), any person, firm, corporation or other entity that places any rubbish, trash, filth, garbage, refuse or debris upon any private or public property not owned or under the control of that person, firm, corporation or other entity, is guilty of a class 1 misdemeanor. In addition to any fine or penalty any person, firm, corporation or other entity shall be liable for all costs which may be assessed pursuant to this chapter for removing, abating or enjoining the placement of the rubbish, trash, filth, garbage, refuse or debris.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of September, 2014, 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