ORDINANCE NO. 860

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON'S TOWN CODE, CHAPTER 94: STREETS AND SIDEWALKS AND ADOPTING SUCH AMENDMENTS BY REFERENCE.

WHEREAS, Chapter 94 of the Town Code contains provisions relating to Streets and Sidewalks; and

WHEREAS, Chapter 94 has been reviewed as part of the overall code review process; and

WHEREAS, the Town desires to amend Chapter 94 in accordance with such review; and

WHEREAS, it is the desire of the Mayor and Common Council to amend Chapter 94 of the Payson Town Code by reference pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND PAYSON TOWN COUNCIL ORDAIN AS FOLLOWS:

Section 1. The amendments to Chapter 94 (Streets and Sidewalks) of the Payson Town Code set forth in Resolution 2809 were declared to be a public record by Resolution 2809, and the amendments to Chapter 94 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 94 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 94.99 of Chapter 94 is amended and shall read as follows:

§ 94.99 PENALTY.

(A) Each violation of ~~any provision in~~ this chapter may be punishable as a class one misdemeanor as provided in Section 10.99. ~~shall be a class one misdemeanor, punishable by a fine of $2,500 or by imprisonment in the Gila County Jail for a period of six months, or by both such fine and imprisonment. Each day of each such violation of any provision in this chapter shall constitute a separate offense.~~

(B) Each violation of ~~any provision in~~ this chapter may ~~shall~~ be subject to a civil penalty not to exceed the sum of $1,000.

(C) Any violation of ~~any provision in~~ this chapter may be enforced by the town pursuant to subsection (A) above, as a criminal offense or pursuant to subsection (B) above, as a civil penalty, or through any combination thereof in the sole discretion of the town and without election among remedies.

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(D) In addition to any other penalty, the Town ~~Public Works Director~~ may ~~shall have the discretion to~~ withhold any permit applied for by any person~~, firm or entity~~ pursuant to this chapter when such person~~, firm or entity~~ has not fully complied with all provisions of this chapter prior to the application for such permit, including those provisions relating to payment of the cost of correction.

(E) Each day of a violation of this chapter shall constitute a separate offense.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL this ____ day of November, 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