

ORDINANCE NO. 717

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-07-002.H OF CHAPTER 154 OF THE CODE OF THE TOWN OF PAYSON (THE UNIFIED DEVELOPMENT CODE) RELATING TO HILLSIDE GRADING REQUIREMENTS.

WHEREAS, the Town of Payson desires to amend the Unified Development Code relating to hillside grading requirements; and

WHEREAS, on June 5, 2006, the Town of Payson Planning and Zoning Commission held a public hearing on the such amended hillside grading requirements and following the public hearing recommended approval of such amendments; and

WHEREAS, on May 17, 2007, the Mayor and Common Council of the Town of Payson also held a public hearing on such amended hillside grading requirements; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 717 is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona; and

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 and was adopted as a public record by Ordinance Number 588; and

WHEREAS, it is the desire of the Mayor and Common Council to amend Section 15-07-002.H of the Town of Payson Unified Development 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. That the amendments to Section 15-07-002.H of the Town of Payson Unified Development Code was heretofore declared to be a public record by adoption of Resolution Number 2278 and are adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 717.

Section 2. That at least three copies of the amendments to Section 15-07-002.H of the Town of Payson Unified Development Code, as adopted by this Ordinance Number 717 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Prepared by Town of Payson Legal Department

SIS:drs May 9, 2007 (4:57PM)

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Section 3. That all ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 717 are hereby repealed to the extent of such conflict.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 717 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 717. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 717 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 _____, 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney