

ORDINANCE NO. 788

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.39 TO THE CODE OF THE TOWN OF PAYSON. (FIREWORKS REGULATION)

WHEREAS, during its second regular session of 2010, the Arizona Legislature passed and Governor Brewer signed House Bill 2246 legalizing certain types of fireworks in Arizona; and

WHEREAS, House Bill 2246 allows cities and towns to regulate the use of certain types of fireworks within their corporate limits; and

WHEREAS, the Town of Payson desires to regulate the use of Permissible Consumer Fireworks within its Town limits to the maximum amount allowed by House Bill 2246 by enacting Section 130.39 of the Code of the Town of Payson,

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

- Section 1. Section 130.39 (Fireworks) of the Code of the Town of Payson set forth in Resolution 2572 was declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 2. That at least three copies of Section 130.39 (Fireworks), as adopted by this Ordinance shall be filed in the Office of the Town Clerk and shall be maintained and kept available for public use and inspection.
- Section 3. Pursuant to Sections 10.99(A) and 130.99 of the Code of the Town of Payson the penalty for any violation of Chapter 130 is as follows:

§10.99 GENERAL PENALTY.

(A) Any person found guilty of violating any provision of this Code shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished in the same manner as is provided for the punishment for class one misdemeanors in A.R.S. Title 13, Chapters 7, 8 and 9, as amended from time to time, and as currently providing for a fine of not more than \$2,500 for individuals and not more than \$20,000 for firms, entities, companies, corporations, or businesses and by imprisonment for not more than six months, or by probation for not more than three years, or by any combination or all of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or Section 130.39 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 or Section 130.39. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance or Section 130.39 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.

Section 5. The provisions of this Ordinance shall not become effective until November 30, 2010.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 2nd day of September, 2010, by the following vote:

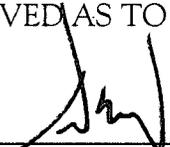
AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney