

ORDINANCE NO. 831

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING VARIOUS PROVISIONS OF THE TOWN CODE AND OF THE UNIFIED DEVELOPMENT CODE RELATING TO TREES.

WHEREAS, one of the distinguishing features of the Town of Payson is its native trees ; and

WHEREAS, the Town Code and the Unified Development Code have numerous provisions protecting trees, regulating their removal, and requiring removal of certain dangerous trees; and

WHEREAS, the Town desires to consolidate, remove contradictory provisions, and ensure that the Town Code and the Unified Development Code, as they each relate to trees, are consistent with State Law,

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

- Section 1. That Chapter 92 (TREES) of the Code of the Town of Payson is hereby repealed.
- Section 2. That the amendments to Chapter 153 (TREE PRESERVATION, as amended, TREES) set forth in Exhibit B to Resolution 2714 were declared to be a public record, and that the amendments are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 3. That Section 15-03-004 of the Unified Development Code of the Town of Payson is hereby repealed.
- Section 4. That Section 15-03-005 of the Unified Development Code of the Town of Payson is hereby repealed.
- Section 5. That Section 153.99 of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

§ 153.99 PENALTY.

(A) Any person who violates ~~shall violate~~ any provision of this chapter shall be subject, ~~upon conviction in a court of competent jurisdiction,~~ to a fine up to not exceeding the sum of \$2,500. ~~In a prosecution under this chapter, e~~ Each instance of a tree which is removed, damaged or destroyed will constitute a separate offense.

(B) Any person removing a native tree ~~in violation of the provisions of §153.33~~

~~shall be guilty of a violation of the town code for each such tree removed, and may, in addition to any other the penalties imposed under division (A) of this section, be required to replenish the affected parcel with a new native tree for each native tree removed, as the court deems necessary to protect the public health and welfare.~~

Section 6. If any section, subsection, 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.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2013, 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