ORDINANCE NO. 847

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 155 OF THE PAYSON TOWN CODE FROM THE INTERNATIONAL RESIDENTIAL CODE TO DEVELOPMENT IMPACT FEES AND ADOPTING SUCH AMENDMENTS BY REFERENCE.
(REPLACEMENT DEVELOPMENT IMPACT FEES)

WHEREAS, in 2011, the Arizona State Legislature passed and the Governor signed SB1525 which required any city/town that desired to continue collecting Development Impact Fees to, prior to August 1, 2014, follow a statutorily mandated process and adopt new/replacement Development Impact Fees (see A.R.S. 9-463.05); and

WHEREAS, in 2012, the Town of Payson began such a process, including the required postings, public hearings, and all other requirements of A.R.S. 9-463.05; and

WHEREAS, the Arizona League of Cities and Towns promulgated a model ordinance to be used in the implementation of Development Impact Fees under A.R.S. 9-463.05; and

WHEREAS, the Town of Payson has utilized the model ordinance in its preparation of the attached exhibit; and

WHEREAS, Chapter 155 of the Town Code was adopted in 2001 and related to the International Residential Code; and

WHEREAS, subsequent to the adoption of the International Residential Code, the Town adopted several newer versions of the International Residential Code, the most recent being the 2006 version, in Section 150.20 of the Town Code; and

WHEREAS, Chapter 155 was never amended or directly repealed; and

WHEREAS, it is the intention of the Town of Payson to amend Chapter 155 so that it relates to Development Impact Fees instead of an outdated version of the International Residential Code; and

WHEREAS, it is the desire of the Mayor and Council to amend Chapter 155 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:

First Hearing MAY 01 2014 D.2.A

Second Hearing MAY 15 2014 D.2.A

Section 1. The amendments to Chapter 155 (now Development Impact Fees) of the Payson Town Code set forth in Resolution 2774 were declared to be a public record by Resolution 2774, and the amendments to Chapter 155 are referred to and adopted by reference as though set forth in full in this Ordinance.

Section 2. At least three copies of the amendments to Chapter 155 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. Sections 50.55 through 50.59 of the Payson Town Code are repealed.

Section 4. Sections 50.03(A) and (B) are amended and shall read as follows:

50.03(A) Reserved.

50.03(B) Reserved.

Section 5. Ordinances 275, 480, 528, 537, 682, and 718A (each adopting or amending the Town's Water Development Fees) are repealed.

Section 6. Ordinances 487 and 710 (each adopting or amending the Town's other Development Impact Fees) are repealed.

Section 7. The provisions of this Ordinance shall be effective on August 1, 2014.

Section 8. If any 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 15th day of May, 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