

ORDINANCE NO. 744

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO SECTION 15-10 OF THE PAYSON UNIFIED DEVELOPMENT CODE. (ENFORCEMENT)

WHEREAS, the Town of Payson has adopted a Unified Development Code ("UDC") to regulate development within the Town; and

WHEREAS, on July 14, 2008, following a public hearing, the Payson Planning and Zoning Commission reviewed certain proposed amendments to the enforcement procedures contained in Section 15-10 of the UDC and recommended that the Town Council adopt such amendments; and

WHEREAS, on August 7, 2008, the Town Council conducted a public hearing on such proposed amendments; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 744 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, it is the desire of the Mayor and Common Council to amend the UDC by amending Section 15-10 (Enforcement); and

WHEREAS, the amendments to Section 15-10 of the UDC were declared to be a public record by Resolution 2408; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 15-10 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 15-10 (Enforcement) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2408 were heretofore declared to be a public record by such Resolution, and that the amendments to Section 15-10 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 744.

Prepared by Town of Payson Legal Department

*First Reading and Public Hearing* AUG 07 2008 G.4  
*Second Reading and Public Hearing* SEP 04 2008 G.3 // 04

cc: community Dev  
cc american legal  
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9-19-08/9/26/08  
post 3 places  
PB# 16007

Section 2. That at least three copies of the amendments to Section 15-10 of Chapter 154, as adopted by this Ordinance Number 744 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. That Section 15-10-004(B) of Chapter 54 (the Unified Development Code) of the Code of the Town of Payson is hereby added and shall read as follows:

15-10-004(B) Criminal

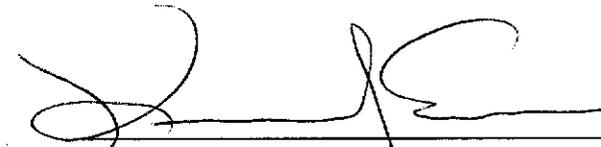
1. Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating a provision of the Unified Development Code for which it has been charged and found responsible for within the prior 24 months may be subject to a criminal penalty as provided for in Section 10.99 of the Code of the Town of Payson.
2. No de minimis violations shall be subject to a criminal penalty.
3. For the purposes of this subsection, a de minimis violation means a violation which, although undesirable, has no direct or immediate relationship to safety, health, or damage to property, and does not violate the overall intent of this Code.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 744 are hereby repealed to the extent of such conflict.

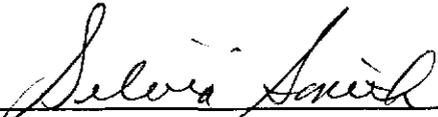
Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 744 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 744. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 744 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 4<sup>th</sup> day of September, 2008, by the following vote:

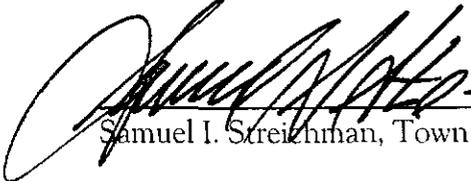
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

  
\_\_\_\_\_  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Samuel I. Streichman, Town Attorney