

DRAFT
12/10/15

ORDINANCE NO. 1424

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, BY REPEALING CHAPTER 13: PUBLIC WORKS IN ITS ENTIRETY; AND ADOPTING BY REFERENCE A NEW CHAPTER 13: PUBLIC WORKS MORE FULLY DETAILED IN THAT CERTAIN DOCUMENT ENTITLED "2016 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 13: PUBLIC WORKS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Arizona Revised Statutes ("A.R.S.") §§ 9-240 and 9-276, cities and towns are authorized to regulate, exercise exclusive control over their streets, alleys, avenues and sidewalks; and

WHEREAS, such authority also allows local governmental entities to widen, extend, grade, clean, vacate, abandon and protect such property from encroachment and injury; and

WHEREAS, on December 5, 1979 the mayor and city council passed Ordinance No. 16 which created the first version of Chapter 13 relating to the authority of the public works department; and

WHEREAS, since this initial authorizing ordinance, there have been multiple code amendments relating to the public works department, including but not limited to its regulatory powers over streets; and

WHEREAS, the mayor and city council find it necessary to amend the current street regulations to more accurately reflect administrative actions being practiced and to meet statutory requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

1. Existing Apache Junction City Code, Volume I, Chapter 13: Public Works, is hereby repealed in its entirety.
2. That certain document entitled "2016 Amendments to the Apache Junction City Code, Volume I, Chapter 13: Public Works", one electronic copy which is accessible on the

city's website and one paper copy which is filed in the office of the city clerk, which document was made a public record by Resolution No. 16-__ of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance or in conflict with any part of the code adopted herein by reference are also hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid, pre-empted or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

SECTION IV PROVIDING FOR PENALTIES

After the city exhausts all of its civil violation procedures as referenced in the adopted regulations, any violation of any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Volume 1, CHAPTER 1: GENERAL, ARTICLE 1-1: GENERAL, § 1-1-11, Penalty.

SECTION V DECLARING AN EMERGENCY

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the mayor and city council of the City of Apache Junction.

SECTION VI ESTABLISHING AN EFFECTIVE DATE

The provisions of this ordinance shall take effect on July 1, 2016.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 2016.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2016.

JOHN S. INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

R. JOEL STERN
City Attorney