

DRAFT
12/10/15

ORDINANCE NO. 1423

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, BY REPEALING CHAPTER 10: ENGINEERING DESIGN GUIDELINES AND POLICIES IN ITS ENTIRETY; AND ADOPTING BY REFERENCE A NEW CHAPTER 10 AS MORE FULLY DETAILED IN THAT CERTAIN DOCUMENT ENTITLED "2016 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, CHAPTER 10: ENGINEERING STANDARDS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the mayor and city council on August 2, 1995 adopted the City of Apache Junction Engineering Guidelines by Ordinance No. 932; and

WHEREAS, the mayor and city council adopted Ordinance No. 1282 on November 7, 2006, repealing the existing guidelines and adopting a new chapter of the Apache Junction City Code, Vol. II, entitled Land Development Code, Chapter 10, Engineering Design Guidelines and Policies; and

WHEREAS, it has been almost ten years since the last set of amendments and an update is overdue, especially in light of the development market forces and industry practices; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and one electronic copy is accessible on the city's website and made available for public inspection.

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 Existing Apache Junction City Code, Volume II, Chapter 10: Engineering Design Guidelines and Policies, is hereby repealed in its entirety.
2. That certain document containing the amended and new Chapter 10 code provisions relating to engineering standards, entitled "2016 Amendments to the Apache Junction City Code, Vol. II, Chapter 10: Engineering Standards", one paper copy and one electronic copy which are accessible on the City's website and 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 ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference 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 thereof.

SECTION IV PROVIDING FOR PENALTIES

Any violation of the provisions adopted herein shall be punishable as a class one misdemeanor consistent with Apache Junction City Code, 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:

RICHARD J. STERN
City Attorney