

ORDINANCE NO. 1477

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, BY ADOPTING BY REFERENCE NEW SECTION 1-13-4, ART IN PUBLIC AND PRIVATE DEVELOPMENTS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article 1-13: Design Standards, of the Apache Junction City Code ("A.J.C.C."), Volume II, Land Development Code, Chapter 1: Zoning Ordinance, was last amended on May 6, 2014 through Ordinance No. 1402; and

WHEREAS, the mayor and city council desire to add a new section to Article 1-13 to allow for public art to be installed within the city limits on both private and public developments and fund such art projects based on a percentage of permit fees; and

WHEREAS, a council work session on September 3, 2019 and a public hearing on September 17, 2019, were held to discuss the proposed amendments; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code of 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 the electronic copy is accessible on the city's website and made available for public inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include those relating to art in public and private developments; and

WHEREAS, city staff has determined that for administrative efficiency, it is more appropriate to update the city code by adopting by reference new Section 1-13-4, Art in Public and Private Developments.

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

SECTION I IN GENERAL

1. That certain document known as "2019 Amendments to the Apache Junction City Code, Volume II, Land Development Code,

Chapter 1: Zoning Ordinance, Article 1-13: Design Standards, Section 1-13-4, Art in Public and Private Developments" , 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. 19-24 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

Unless noted otherwise, 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 1-8: PENALTY.

SECTION V ESTABLISHING AN EFFECTIVE DATE

The provisions of this ordinance shall be effective beginning January 2, 2020.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION THIS ____ DAY OF _____, 2019.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney