

RESOLUTION NO. 19-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE CITY CLERK ENTITLED "2019 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOL. I, CHAPTER 9: HEALTH AND SANITATION, ARTICLE 9-5: COLLECTION OF RESIDENTIAL SOLID WASTE", REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "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; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, such codes can include regulatory provisions relating to health and sanitation; and

WHEREAS, city staff has identified such provisions herein, and it is the intent of the city to declare such documents and compilations as public records, on file in the office of the city clerk and electronically accessible through the city's website (www.ajcity.net).

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

SECTION I IN GENERAL

That certain document entitled "2019 Amendments to Apache Junction City Code, Vol. I, Chapter 9: Health and Sanitation, Article 9-5: Collection of Residential Solid Waste", is hereby declared to be a public record, shall be made available for public use and inspection, and shall remain on file with the city clerk and be electronically accessible through the city's website (www.ajcity.net).

SECTION II REPEALING ANY CONFLICTING ORDINANCES

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in conflict with the provisions of this ordinance or any part of the provisions adopted herein by reference are hereby repealed.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

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

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

JEFF SERDY
Mayor

ATTEST:

JENNIFER PEÑA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney