

ORDINANCE NO. 1483

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, REPEALING IN ITS ENTIRETY AND REPLACING APACHE JUNCTION CITY CODE, VOL. I, CHAPTER 9: HEALTH AND SANITATION, ARTICLE 9-5: COLLECTION OF RESIDENTIAL SOLID WASTE, AND ADOPTING BY REFERENCE 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"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the current version of the code was amended on January 3, 2006 by Ordinance No. 1255 and on April 7, 2009 by Ordinance No. 1329; and

WHEREAS, provisions relating to collection of residential solid waste have been found to be in need of updating in order to be consistent with other municipalities in the Phoenix metropolitan area; and

WHEREAS, on October 14, 2019, and on November 4, 2019, the mayor and city council held a work session to discuss proposed changes to the current health and sanitation code; and

WHEREAS, on November 6, 2019, a community open house was held to fully discuss the contents of the proposed changes to the health and sanitation code with a presentation by staff and an opportunity for comments by members of the public; and

WHEREAS, Resolution No. 19-30 declares as public record the document entitled "2019 Amendments to Apache Junction City Code, Vol. I, Chapter 9: Health and Sanitation, Article 9-5: Collection of Residential Solid Waste"; 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; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, public records which may be adopted by reference include those relating to

health and sanitation.

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

SECTION I            IN GENERAL

That certain document known as "2019 Amendments to Apache Junction City Code, Vol. I, Chapter 9: Health and Sanitation, Article 9-5: Collection of Residential Solid Waste", 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. 19-30 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            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:

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JENNIFER PEÑA  
City Clerk

APPROVED AS TO FORM:

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RICHARD J. STERN  
City Attorney