

ORDINANCE NO. 1511

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 AMENDING CHAPTER 10: ENGINEERING STANDARDS, BY REPEALLING AND REPLACING IN THEIR ENTIRETY ARTICLE 10-4: STORMWATER MANAGEMENT, SECTION 10-4-2: STORMWATER STANDARDS, SECTION 10-4-4: STORMWATER PLAN AND DRAINAGE REPORTS, SECTION 10-4-10: DETENTION OR RETENTION FACILITIES AND SECTION 10-4-11: DRAINAGE EASEMENTS AND COVENANTS; AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2021 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, CHAPTER 10: ENGINEERING STANDARDS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

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 then existing guidelines and adopted a new chapter of the Apache Junction City Code, Volume II, Land Development Code, entitled "Land Development Code, Chapter 10, Engineering Design Guidelines and Policies"; and

WHEREAS, the mayor and city council further amended Volume II, Land Development Code, and adopted Ordinance No. 1423 on April 19, 2016, repealing the existing guidelines and adopting a new Chapter 10 of the Apache Junction City Code, Volume II, "Land Development Code, entitled Land Development Code, Chapter 10, Engineering Standards"; and

WHEREAS, to accommodate standards and language pertaining to master planned communities, it is necessary to further amend the engineering standards; 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, codes which may be adopted by reference include those relating to engineering standards; and

WHEREAS, staff has determined that for administrative efficiency, it is more appropriate to adopt the proposed amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 10: Engineering Standards, by reference.

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

SECTION I: IN GENERAL

1. That the existing Apache Junction City Code, Volume II, Land Development Code, Chapter 10: Engineering Standards, Article 10-4: Stormwater Management, Section 10-4-2: Stormwater Standards, Section 10-4-4: Stormwater Plan and Drainage Reports. Section 4-10-10: Detention or Retention Facilities, and Section 10-4-11: Drainage Easements and Covenants are hereby repealed and replaced in their entirety with new provisions as noted below.
2. That certain document known as the "2021 Amendments to the Apache Junction City Code, Vol. II, Land Development Code, Chapter 10: Engineering Standards", at least three paper copies, or 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. 21-39 of the City of Apache Junction, Arizona, 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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2021.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2021.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney