

ORDINANCE NUMBER 2020-07

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA; REPEALING THE EXISTING ARTICLE 5-11 AND ADOPTING IN ITS STEAD THAT DOCUMENT TITLED “FLOODPLAIN ADMINISTRATION, JUNE 2020” IN ITS ENTIRETY, SAID DOCUMENT HAVING BEEN FIRST DECLARED A PUBLIC RECORD BY REFERENCE PURSUANT TO A.R.S. 9-801 et. seq., THEREBY AMENDING ARTICLE 5-11, FLOODPLAIN ADMINISTRATION

WHEREAS, the Town of Paradise Valley has revised the text of the Floodplain Administration regulations of the Town of Paradise Valley Town Code and declared that certain document known as “Floodplain Administration, June 2020” as a public record by adopting Resolution Number 2020-25 under the authority of A.R.S. §9-801 et. seq.; and

WHEREAS, the Town of Paradise Valley Town Code is hereby amended by repealing the existing “Article 5-11 – Floodplain Administration” and creating a new article, related to development in designated floodplains and floodways in order to promote the public health, safety, convenience, and general welfare; and,

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

Section 1. “Article 5-11 - Floodplain Administration” of the Paradise Valley Town Code is hereby repealed in its entirety.

Section 2. That Article 5-11 shall now be comprised by that document adopted as a public record by Resolution Number 2020-25 and entitled as “Floodplain Administration, June 2020” with the Town Code of the Town of Paradise Valley to be so amended by adding “Floodplain Administration, June 2020 to the Town Code as if fully set out in this ordinance.

Section 3. Any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described. A violation of the provisions of this Ordinance or amendments thereto may constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars. Each day that a violation continues shall be a separate offense punishable as described.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of “Floodplain Administration, June 2020” 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 5. This Ordinance shall become effective in 30 days.

Section 6. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 25th day of June 2020.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2020

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney