

**ORDINANCE NO. O 23-02**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, AMENDING STAR VALLEY TOWN CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “AMENDMENTS TO STAR VALLEY TOWN CODE, TITLE 4 (PUBLIC HEALTH AND SAFETY), CHAPTER 3 (NUISANCE CONTROL AND PROPERTY MAINTENANCE), SECTION 4-3-8 (VIOLATIONS)”;** REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

**WHEREAS**, Star Valley Town Code, Title 4 (Public Health and Safety), Chapter 3 (Nuisance Control and Property Maintenance), Section 4-3-8 (Violations) contains outdated property maintenance violation regulations; and

**WHEREAS**, the Town of Star Valley (hereinafter referred to as the “Town”) may under Arizona Revised Statutes (“A.R.S.”) § 9-500.21 classify certain property maintenance violations as civil matters rather than criminal matters; and

**WHEREAS**, the Town may also civilly abate conditions which constitute public nuisances; and

**WHEREAS**, A.R.S. § 9-240 (B) (21), 9-276 (16) & (19) and 9-499 authorize cities and towns to define and abate public nuisances, and to impose fines upon persons creating or continuing such public nuisances; and

**WHEREAS**, the Town desires to amend the Star Valley Town Code pertaining to Section 4-3-8 (Violations); and

**WHEREAS**, the Town has found that the adoption of this ordinance is necessary for the protection of the health and safety of the citizens of the Town; and

**WHEREAS**, the Town has found that there is an immediate danger to the community and has declared that these amendments are an emergency; and

**WHEREAS**, it is the desire of the Mayor and Town Council to amend the Star Valley Town Code by reference pursuant to A.R.S. § 9-802.

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

**Section I.                      General.**

That certain document known as “Amendments to Star Valley Town Code, Title 4 (Public Health and Safety), Chapter 3 (Nuisance Control and Property Maintenance, Section 4-3-8 (Violations)” at least three paper copies or one paper copy and one electronic copy of which are accessible on the town’s website and filed in the office of the town clerk, which

document was made a public record by Resolution No. R 23-03 of the Town of Star Valley, 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.**

The following Town of Star Valley Code Sections are hereby repealed:

Section 4-3-8    Violations

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, clause, phrase 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.**                    **Effective Date.**

The provisions of this Ordinance shall be effective beginning March, 21, 2023.

**Section V.**                    **Emergency.**

The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health or safety and an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of the Town of Star Valley.

**Section VI.**                    **Providing for Penalties.**

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as a civil offense or a class one misdemeanor consistent with Star Valley Town Code Section 4-3-12.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Bobby Davis, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Eddie Chapin, Town Clerk

\_\_\_\_\_  
Timothy W. Grier, Town Attorney

I DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. O 23-02  
ADOPTED BY THE TOWN OF STAR VALLEY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
WAS POSTED IN THREE PLACES ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Eddie Chapin, Town Clerk