

MARANA ORDINANCE NO. 2023.023

RELATING TO TRAFFIC AND HIGHWAYS; AMENDING TOWN CODE TITLE 12 (TRAFFIC AND HIGHWAYS), CHAPTER 12-7 (CONSTRUCTION IN TOWN RIGHTS-OF-WAY); REVISING SECTION 12-7-5 (PERMIT PROCESS; GROUNDS FOR DENIAL) TO REVISE PERMIT APPLICATION REQUIREMENTS; AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to exercise exclusive control over the streets, alleys, avenues and sidewalks of the town; and

WHEREAS on January 22, 2008, the Town Council adopted Ordinance No. 2008.04, adding Chapter 12-7 "Construction in Town Rights-of-Way" to the Marana Town Code, which chapter has been amended from time to time; and

WHEREAS the Town Council finds that revision of the regulations for construction in Town rights-of-way as set forth in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 12 (Traffic and Highways) is hereby amended to revise section 12-7-5 (Permit process; grounds for denial) as follows (with deletions shown with ~~strikeouts~~):

12-7-5 Permit process; grounds for denial

[No amendments to paragraph A]

B. Before issuance of any permit, each applicant will be required to do all of the following:

[No amendments to subparagraphs 1 through 5]

~~6. Post bonds or other cash forms of assurance with the town in an amount equal to the cost of construction for all required improvements plus 15% to ensure completion of the proposed work. Third party trust forms of assurance are not acceptable for work in the public right of way.~~

[No amendments to subparagraph 7 which is hereby renumbered as subparagraph 6 to conform to these amendments]

[No amendments to paragraphs C through E]

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 1st day of August, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

