

MARANA ORDINANCE NO. 2016.007

RELATING TO FINANCE; EXEMPTING THE COMMUNITY FOOD BANK, INC.'S MARANA COMMUNITY FOOD BANK EXPANSION PROJECT FROM CERTAIN TOWN OF MARANA DEVELOPMENT AND BUILDING FEES

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the Town; and

WHEREAS the Town Council has adopted a comprehensive fee schedule for the Town which includes various fees that apply to development and building projects within the Town; and

WHEREAS the Town Council, via Ordinance No. 2011.015, adopted an amended building plan review and building permit fee schedule on June 21, 2011, which was made a public record by and attached as Exhibit A to Resolution No. 2011-065; and

WHEREAS the Community Food Bank, Inc. ("Food Bank") is a non-profit corporation providing Southern Arizona with a multitude of food-related programs and services including emergency food distribution, child hunger programs, home and community gardening, farmers' markets, and SNAP (food stamp) application; and

WHEREAS on February 19, 2013, the Town Council adopted Resolution No. 2013-014, formally recognizing and thanking the Food Bank for its past efforts at the Marana Heritage River Park and its continued work at the Marana Community Food Bank, and authorizing the Town Manager to provide the Town's support and assistance to the Food Bank; and

WHEREAS the Food Bank has acquired two 24' x 60' modular office buildings which the Food Bank intends to use to expand the current operations of the Marana Community Food Bank (the "expansion project"); and

WHEREAS the Town Council finds that exempting the Marana Community Food Bank expansion project from certain Town of Marana fees 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. Except as set forth otherwise herein, the Food Bank's Marana Community Food Bank expansion project is hereby exempted from any and all applicable Town of Marana fees included in the Town's comprehensive fee schedule as adopted by the Town Council and amended from time to time and from building plan review fees and building permit fees adopted

via Ordinance No. 2011.015 as they may be amended from time to time. Notwithstanding the waiver of these fees, the expansion project shall still be required to go through the Town's normal review and permitting process.

SECTION 2. The exemption set forth in section 1 of this ordinance shall not apply to the following:

- A. Fees that are paid into or out of a Town enterprise fund, as those funds are defined in the Town's legally adopted budget.
- B. Any and all development impact fees adopted by the Town.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. 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 5. 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 6. This ordinance is administrative, and shall be effective immediately.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 21st day of June, 2016.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

