City of Benson
City Council Communication

Regular Meeting **September 12, 2016**

To: Mayor and Council Agenda Item # 6

From: Bradley J. Hamilton, P.E. Director of Public Works/City Engineer

Subject:

Discussion and possible action regarding Ordinance 583 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code; Replacing the Benson City Code Chapter 12, "Traffic, Sidewalks, Parking, and Bicycles" by adopting new Chapter 12 entitled, "Benson City Code, Chapter 12 Traffic and Parking"

Discussion:

As noted in the previous item, any change to the City Code must be adopted by an ordinance, which must be published in accordance with State law requirements. However, when a change to the City Code is quite lengthy, there is a provision that enables a City to adopt the provision of a code or a public record without setting forth such provisions in the ordinance; enacting the provisions "by reference". The previous item presented to Council, Resolution 33-2016, declared the document, "City Code Chapter 12 – "Traffic and Parking" as a public record. Council may now adopt Ordinance 583, which will enact the City Code change.

Staff Recommendation:

Approval of Ordinance 583

ORDINANCE 583

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, REPLACING THE BENSON CITY CODE, CHAPTER 12, TRAFFIC, SIDEWALKS, PARKING AND BICYCLES BY ADOPTING NEW CHAPTER 12, AS CONTAINED IN THAT CERTAIN PUBLIC RECORD ENTITLED, "BENSON CITY CODE, CHAPTER 12 TRAFFIC AND PARKING"

WHEREAS, the City of Benson has adopted a City Code for the efficient administration of the City; and

WHEREAS, the Mayor and Council have amended the City Code from time to time; and

WHEREAS, within the City Code there is a Chapter 12, concerning the regulation of traffic, sidewalks, parking and bicycles; and

WHEREAS, the City Council has reviewed Chapter 12 and would like to replace it with an updated chapter; and

THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Benson, Arizona, as follows:

SECTION I: That certain document entitled "Benson City Code, Chapter 12 – Traffic and Parking, three (3) copies of which are on file in the Office of the City Clerk of the City of Benson, Arizona, said document having been made a public record by Resolution 32-2016 of the City of Benson, Arizona, is hereby adopted by reference, and made a part hereof as if fully set forth in this Ordinance;

SECTION II: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are here by repealed;

SECTION III: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record 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 portion thereof.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of September, 2016.

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TONEY D. KING, SR., Mayor

ATTEST:

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VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

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MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney