

ORDINANCE NO. 13-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE “TOWN OF FOUNTAIN HILLS ENCROACHMENT REGULATIONS, APRIL 18, 2013” BY REFERENCE AND AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 16 (STREETS AND SIDEWALKS), ARTICLE 16-1 (ENCROACHMENTS), BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH THE TOWN OF FOUNTAIN HILLS ENCROACHMENT REGULATIONS, APRIL 18, 2013.

WHEREAS, the Town of Fountain Hills Town Code (the “Town Code”) contains provisions pertaining to encroachments; and

WHEREAS, it is in the best interests of the citizens of the Town of Fountain Hills (the “Town”) to update and modify the provisions related to encroachments into Town-owned rights-of-way and other property.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The document known as the “Town of Fountain Hills Encroachment Regulations, April 18, 2013” (the “Encroachment Regulations”), three copies of which are on file in the office of the Town Clerk, which document was made a public record by Resolution No. 2013-25 of the Town of Fountain Hills, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 3. The Fountain Hills Town Code, Chapter 16 (Streets and Sidewalks), Article 16-1 (Encroachments), is hereby deleted in its entirety and replaced with the Encroachment Regulations.

SECTION 4. Any person who fails to comply with any provision of the Encroachment Regulations shall be subject to civil and criminal penalties as set forth in Article 1-8 of the Fountain Hills Town Code, including civil penalties of not more than \$500 base fine. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

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, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

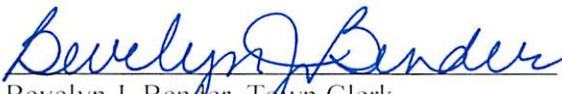
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, April 18, 2013.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



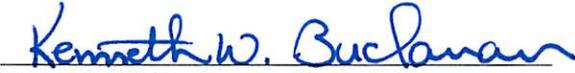
Linda M. Kavanagh, Mayor



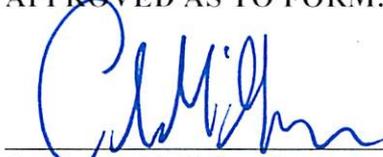
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Kenneth W. Buchanan, Town Manager



Andrew J. McGuire, Town Attorney