

ORDINANCE NO. 12-757

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, ADOPTING THE "AMERICANS WITH DISABILITIES STANDARDS AND REGULATIONS DATED SEPTEMBER 15 2010" BY REFERENCE; AMENDING THE CHINO VALLEY TOWN CODE CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION, BY ADDING SECTION 150.009: ADA STANDARDS AND REGULATIONS; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the primary mission of the Americans with Disabilities Standards and Regulations (ADA) was written to protect the accessibility of handicapped citizens to both public and private buildings; and

WHEREAS, the Town of Chino Valley has adopted the international building codes that are in support of the ADA; and

WHEREAS, the Town of Chino Valley supports the goals of these regulations;

WHEREAS, the Town of Chino Valley will become compliant with Federal standards for Americans with Disabilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document known as the "Americans with Disabilities Standards and Regulations, dated September 15, 2010," consisting of four separate documents entitled:

- "2010 ADA Standards for Accessible Design;"
- "Guidance on the 2010 ADA Standards for Accessible Design;"
- "Americans with Disabilities Act Title II Regulations;" and
- "Americans with Disabilities Act Title III Regulations;"

three copies of which are on file in the office of the town clerk of the Town of Chino Valley, Arizona, which document was made a public record by Resolution No. 12-985 of the Town of Chino Valley, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: Chapter 150: BUILDING REGULATIONS; CONSTRUCTION, of the Chino Valley Town Code is hereby amended by adding Section 150.009: ADA STANDARDS AND REGULATIONS as follows:

CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

§ 150.009 ADA STANDARDS AND REGULATIONS

The certain document entitled “ADA Standards and Regulations, dated September 15, 2010,” is hereby adopted and made a part of this chapter, the same as though the document were specifically set forth in full herein; and at least 3 copies of the document shall be filed in the office of the Town Clerk and Building Division and be kept available for public use and inspection.

Section 3: All other sections of the Town Code, other ordinances, and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed on the effective date of this Ordinance.

Section 4: Any person found guilty of violating any provision of this Code shall be deemed guilty of a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 5: The amendment of these sections of the Town Code do not affect the rights and duties that have matured and/or the penalties that were incurred hereunder and /or any proceedings that were begun before the effective date of this Ordinance.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 28th day of February, 2012.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney