

ORDINANCE NO. 2022-923

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “OCTOBER 2022 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 154: UNIFIED DEVELOPMENT ORDINANCE” AS A PUBLIC RECORD; ADOPTING THE SAME BY REFERENCE; AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY IN ACCORDANCE WITH THE “TOWN OF CHINO VALLEY OCTOBER 2022 AMENDMENTS TO CHAPTER 154: UNIFIED DEVELOPMENT ORDINANCE”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on February 22, 2022, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) adopted amendments to the Chino Valley Town Code relating to standards and requirements for property maintenance and water and sewer connections, and public nuisance abatement (the “February 2022 Town Code Amendments”); and

WHEREAS, the Town Council desires to amend the Chino Valley Town Code, Title XV (Land Usage), Chapter 154 (Unified Development Ordinance) (the “UDO”), by adopting by reference the “October 2022 Amendments to Chino Valley Town Code Chapter 154: Unified Development Ordinance” (the “October 2022 UDO Amendments”), to bring the UDO into conformance with the February 2022 Town Code Amendments; and

WHEREAS, the Town Council has determined that the October 2022 UDO Amendments are not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

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

Section 2. That certain document entitled “October 2022 Amendments to Chino Valley Town Code Chapter 154: Unified Development Ordinance,” of which one paper copy and one electronic copy are maintained, in compliance with ARIZ. REV. STAT. § 44-7041, on file in the office of the Town Clerk as required by ARIZ. REV. STAT. § 9-802, and available for public use and inspection during normal business hours, is hereby declared

to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

Section 3. The Chino Valley Town Code is hereby amended by amending Chapter 154 (Unified Development Ordinance) as set forth in the October 2022 UDO Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 4. Any violation of the UDO shall be charged, filed, and prosecuted as a civil infraction as set forth in Section 1.10.2 of the UDO. Any person who violates the UDO after previously having been found responsible for committing two or more civil infractions of the UDO within any 36-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in Section 1.10.3 of the UDO. The Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Chino Valley Municipal Court against such habitual offenders who violate the UDO. For purposes of calculating the 36-month period under this paragraph, the dates of the Commission of the offenses are the determining factor.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the October 2022 UDO Amendments 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.

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

(SIGNATURES ON THE FOLLOWING PAGE)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 11th day of October, 2022.

Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify that the foregoing Ordinance No. 2022-923 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 11, 2022, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk