

ORDINANCE NO. 837

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO SECTION 7-01-200 'VALUATION AND FEE SCHEDULE' AND SECTION 13-27-060 'FEES AND CHARGES'" (DECLARED BY RESOLUTION NO. 2024 TO BE A PUBLIC RECORD) WHICH AMENDS PROVISIONS OF THE TOWN CODE TO INCREASE VARIOUS FEES FOR PLAN REVIEW, INSPECTIONS AND PLANNING AND ZONING SERVICES TO OFFSET ASSOCIATED ADMINISTRATIVE COSTS; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Ordinance No. 241 (dated September 27, 1990) the Town Council added a new Section 13-27-060 to the Town Code to establish various fees and charges for planning and zoning processes; and

WHEREAS, by Ordinance No. 576 (dated January 22, 2004) the Council adopted the Town of Prescott Valley Administrative Code ("Administrative Code"), including Section 7-01-200 which established fees for plan review and construction inspection services in the Town; and

WHEREAS, as commercial and residential development activities have continued to expand in Prescott Valley (and related Town administrative costs have increased), various increases to the zoning and building fees have been implemented in an attempt to recover those costs; and

WHEREAS, Town administrative costs increasingly involve the use of permitting software which must be regularly upgraded in order to provide timely and coordinated information and service to the development community (and to coordinate effectively with other local jurisdictions); and

WHEREAS, staff has surveyed other Arizona local governments and found that many of them apply a percentage or flat fee in order to provide a dedicated revenue stream in order to ensure that such software can be upgraded on a regular basis; and

WHEREAS, in an effort to provide a similar dedicated revenue stream for the Community Development Department to upgrade permitting software, staff recommends that the plan review, inspection, planning and zoning fees be increased by approximately 7%; and

WHEREAS, the Town Council first discussed such fee increases at its work-study session held on June 15, 2017; and

WHEREAS, staff has prepared and provided notice of such fee increases as required by A.R.S. §9-499.15 and the Council now finds that these actions have complied with these statutory requirements with regard to the proposed fee increases; and

WHEREAS, ARS §9-802 provides for adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records”; and

WHEREAS, ARS §9-803 requires penalty clauses in such public records to be set forth in full in the adopting ordinance; and

WHEREAS, the document “Amendments to Section 7-01-200 ‘Valuation and Fee Schedule’ and Section 13-27-060 ‘Fees and Charges’” adopted herein by reference was first declared by Resolution No. 2024 to be a “public record”;

WHEREAS, the Council finds that these amendments to the Town Code are in the best interests of the community and meet the health, safety and welfare needs of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document known as “Amendments to Section 7-01-200 ‘Valuation and Fee Schedule’ and Section 13-27-060 ‘Fees and Charges’” declared to be a “public record” by Resolution No. 2024 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That the following penalty clause contained in Section 13-27-060 “Fees and Charges” is hereby set forth as follows:

13-27-060 Fees and Charges.

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the following schedule (except where such are waived by the Town Council). Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.

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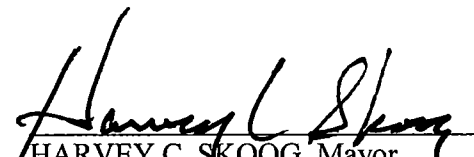
SECTION THREE. That all other Articles, Sections and Subsections of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

SECTION FOUR. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FIVE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 16<sup>th</sup> day of November, 2017.



  
HARVEY C. SKOOG, Mayor

ATTEST:

  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

  
Ivan Legler, Town Attorney