

ORDINANCE 18-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, ARTICLE 9, SECTION 9-5-3, BY REVISING PROVISIONS RELATED TO THE FOUNTAIN HILLS MCDOWELL MOUNTAIN PRESERVE

RECITALS:

WHEREAS, the Town of Fountain Hills Town Code (the "Town Code") contains provisions pertaining to regulations governing activities within the Fountain Hills McDowell Mountain Preserve (the "Preserve"); and

WHEREAS, it is in the best interests of the citizens of the Town of Fountain Hills (the "Town") to have standards by which authorized individuals may install utilities, grade, landscape, or otherwise encroach into the Preserve; and

WHEREAS, the Town desires to clarify the provisions relating to the general regulations governing activities within the Preserve to provide its citizens with a clear statement of the provisions applicable to those activities.

ENACTMENTS:

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. That the Fountain Hills Town Code, Article 9, Section 9-5-3 Fountain Hills McDowell Mountain Preserve, is hereby amended to read as follows:

9-5-3 General Preserve Regulations

The following are prohibited within the preserve:

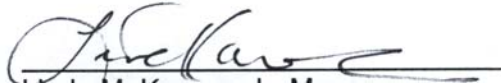
H. Destroying, damaging or removing any vegetative or mineral resource, including but not limited to any tree, shrub, wildflower, cactus or rock outcropping UNLESS SPECIFICALLY AUTHORIZED BY THE TOWN WITH AN ENCROACHMENT PERMIT GRANTED BY THE TOWN COUNCIL.

SECTION 3. 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 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents 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, this 6th day of November, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:


Linda M. Kavanagh, Mayor

REVIEWED BY:


Grady E. Miller, Town Manager

ATTESTED TO:


Elizabeth A. Burke, Town Clerk

APPROVED AS TO FORM:


Aaron D. Arnson, Town Attorney