



Staff Report

Agenda Item: AN ORDINANCE ADOPTING THE PUBLIC RECORD “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 10-1-5 “EXPLOSIVES”, AND CREATING ARTICLE 10-4 “FIREWORKS REGULATIONS”, OF THE CLARKDALE TOWN CODE; BY REFERENCE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; DESCRIBING PENALTIES THERETO; AND PROVIDING FOR SEVERABILITY – Discussion and consideration of Ordinance #330, an Ordinance adopting the public record Resolution 1355, which amends Article 10-1-5 “Explosives” and creates Article 10-4 “Fireworks Regulations”.

Sponsored By: Mayor Von Gausig

Prepared By: Gayle Mabery, Town Manager

Meeting Date: October 26, 2010

Background: To save the cost of publishing in the newspaper a lengthy ordinance, this change was first made a public record by Resolution #1355 (previous agenda item) with the complete language of the “Ordinance Of The Mayor And Council Of The Town Of Clarkdale, Yavapai County, Arizona, Amending Article 10-1-5 “Explosives”, And Creating Article 10-4 “Fireworks Regulations”, Of The Clarkdale Town Code; Providing For Repeal Of Conflicting Ordinances, And Providing For Severability” as an attachment. Ordinance #330, adopts the public record Resolution 1355, which amends Article 10-1-5 “Explosives” and creates Article 10-4 “Fireworks Regulations”.

Recommendation: Staff recommends that the Council adopt Ordinance #330, an Ordinance Adopting the Public Record “An Ordinance Of The Mayor And Council Of The Town Of Clarkdale, Yavapai County, Arizona, Amending Article 10-1-5 “Explosives”, And Creating Article 10-4 “Fireworks Regulations”, Of The Clarkdale Town Code; Providing For Repeal Of Conflicting Ordinances, And Providing For Severability”

ORDINANCE NO. 330

ORDINANCE ADOPTING AS A PUBLIC RECORD

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 10-1-5 "EXPLOSIVES", AND CREATING ARTICLE 10-4 "FIREWORKS REGULATIONS", OF THE CLARKDALE TOWN CODE; BY REFERENCE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; DESCRIBING PENALTIES THERETO; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Common Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Clarkdale and its residents, and

WHEREAS, the Mayor and Common Council desire to prevent fire hazards which threaten the safety of individuals and private and public improvements, including residential, commercial and industrial dwellings,

WHEREAS, due to the dry/desert like conditions, risk of wildfires, and terrain of the community there is a danger of fire with the use of consumer fireworks in the community that can cause significant harm to the community and its residents.

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

SECTION 1: That certain document known as "An Ordinance of the Town Council of the Town of Clarkdale, Arizona, relating to the amendment of Article 10-1-5 "Explosives", and creation of Article 10-4 "Fireworks Regulations", of the Clarkdale Town Code; providing for repeal of conflicting ordinances; describing penalties thereto; and providing for severability", three copies of which are on file in the office of the Town Clerk of the Town of Clarkdale, Arizona, which document was made a public record by Resolution Number 1355 of the Town of Clarkdale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, the provisions thereof to become effective on the 26th day of November, 2010.

SECTION 2: Any person found guilty of violating any provision of this code shall be guilty of a Class 2 Misdemeanor and may be punishable by a fine in an amount up to \$750.00 plus applicable surcharges, imprisonment for a period up to four months, and probation for a period up to two years.

SECTION 3: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed, effective as of the 26th day of November 2010.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein 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 Town Council of the Town of Clarkdale, Arizona this ____ day of October, 2010.

ATTEST:

Doug Von Gausig, Mayor

Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

Robert Pecharich, Town Attorney