

ORDINANCE NO. 2017-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 1 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 1-1 PERTAINING TO HOW CODE IS DESIGNATED AND CITED; BY AMENDING SECTION 1-2 PERTAINING TO RULES OF CONSTRUCTION AND DEFINITIONS; BY AMENDING SECTION 1-3 PERTAINING TO CATCHLINES OF SECTIONS, EFFECT OF HISTORY NOTES, AND REFERENCES IN CODE; BY REPEALING IN ITS ENTIRETY SECTION 1-25 PERTAINING TO CODE CODIFICATION COMMITTEE; CREATED; BY REPEALING IN ITS ENTIRETY SECTION 1-26 PERTAINING TO CODE CODIFICATION COMMITTEE; COMPOSITION; BY REPEALING IN ITS ENTIRETY SECTION 1-27 PERTAINING TO CODE CODIFICATION COMMITTEE; POWERS AND DUTIES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 1 of the Peoria City Code (1992) is amended by amending Section 1-1 pertaining to How Code designated and cited and which shall read as follows:

Sec. 1-1. How Code is designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as "Peoria City Code (1992)" and may be so cited.

SECTION 2. Chapter 1 of the Peoria City Code (1992) is amended by amending Section 1-2 pertaining to Rules of construction and definitions and which shall read as follows:

Sec. 1-2. Rules of construction and definitions.

The rules of construction and the definitions set forth in this section apply to this Code and the ordinances of the city unless inconsistent with either the manifest intent of the council, the city charter, the context of this Code or the ordinances of the city.

Acts by agents: A requirement that an act be done which may by law also be done by an agent include all the acts performed by an authorized agent.

Charter or City Charter: - ~~“Charter” or “city charter” means t~~The Charter of the City of Peoria, Maricopa County, Arizona.

City: ~~“City” means t~~The City of Peoria, Maricopa County, Arizona.

Code: ~~“Code” means t~~The Peoria City Code, as designated in section 1-1.

Computation of time: Except as otherwise provided, the time in which an act is required to be done is computed by excluding the first day and including the last day, unless the last day is a holiday, and then it is also excluded. In cases in which notice of a decision by the city must be given to a petitioner and in which the petitioner must file a notice of appeal of such decision within a time certain of less than ten (10) days, the time is computed starting with the day after the day during which the notice of decision is received by the petitioner by personal service or registered or certified mail.

Council or City Council: - ~~“Council” or “city council” means t~~The council of the City of Peoria.

County: ~~“County” means~~ Maricopa County, Arizona.

Day: ~~“Day” means t~~The period of time between any midnight and the midnight following.

Daytime: ~~“Daytime” means t~~The period of time between sunrise and sunset.
State law reference(s)--Similar provisions, A.R.S. § 1-215(6).

Delegation of authority: Any provision requiring an officer of the city to do some act is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act.

Departments, boards, officers, etc.: References to a department, board, commission, office, officer, or employee refer to a department, board, commission, office, officer, or employee of the city.

In the city or within the city: ~~“In the city” or “within the city” includes a~~All territory over which the city now has, or hereafter acquires, jurisdiction for the exercise of its police powers or other regulatory powers.

State law reference(s)--Extraterritorial jurisdiction, A.R.S. §§9-240(B)(21), 9-276(A)(18), 9-402; application of municipal ordinances to municipally owned, leased, etc., property, A.R.S. § 9-401.

Joint authority: Words purporting to give a joint authority to three (3) or more city officers or other persons give such authority to a majority of such officers or other persons.

May: ~~“May” i~~s to be construed as being permissive.

May not: ~~“May not” s~~States a prohibition.

~~Month:--“Month” means a~~ A calendar month.

State law reference(s)--Similar provisions, A.R.S. § 1-215(19).

~~Must:--“Must” i~~s to be construed as being mandatory.

~~Nighttime:--“Nighttime” means t~~The period of time between sunset and sunrise.

State law reference(s)--Similar provisions, A.R.S. § 1-215(21).

~~Number:--~~ Words used in the singular include the plural. Words in the plural include the singular.

State law reference(s)--Similar provisions, A.R.S. § 1-214.

~~Oath:--“Oath” i~~ncludes an affirmation in cases in which, by law, an affirmation may be substituted for an oath. In such cases “swear” and “sworn” are equivalent to “affirm” and “affirmed.”

State law reference(s)--Similar provisions, A.R.S. § 1-215(22).

~~Occupant:--“Occupant” i~~ncludes tenant.

~~Or, and:--~~ “Or” may be read “and” and “and” may be read “or.”

~~Owner:--“Owner,” a~~As applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

~~Person:--“Person” i~~ncludes the state, the county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. “Person” also includes a trustee, receiver, an assignee, or similar representative.

~~Personal property:--“Personal property” means a~~Anything other than real property.

State law reference(s)--Similar provisions, A.R.S. § 1-215(25).

~~Preceding; following:--~~ “Preceding” and “following” mean next before and next after, respectively.

~~Property:--“Property” i~~ncludes real and personal property.

State law reference(s) Similar provisions, A.R.S. §1-215(28).

~~Real property:--“Real property” includes~~ lands, tenements, and hereditaments.

~~Reasonable time:--~~ Any provision that requires any act to be done in a reasonable time or reasonable notice to be given, refers to such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

~~Shall:--“Shall” i~~s to be construed as being mandatory.

~~Shall have been:--“Shall have been” includes~~ past and future cases.

~~Signature or subscription:--“Signature” or “subscription” includes a~~ A mark, when a person cannot write, with his name written near it and witnessed by a person who writes his own name as witness.

State law reference(s)--Similar provisions, A.R.S. § 1-215(31).

~~State:--“State” means t~~ The State of Arizona.

~~Street:--“Street” includes a~~ Any public way, road, highway, street, avenue, boulevard, parkway, alley, land, viaduct, bridge and the approaches thereto within the city.

~~Technical and nontechnical words:--~~ Words and phrases are to be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law are to be construed and understood according to such peculiar and appropriate meaning.

State law reference(s)--Similar provisions, A.R.S. § 1-213.

~~Tenant or occupant:--“Tenant” or “occupant,” a~~ As applied to a building or land, includes any person who occupies the whole or a part of such building or land whether alone or with others.

~~Tense:--~~ The present tense includes the past and future tenses, and the future includes the present.

State law reference(s)--Similar provisions, A.R.S. § 1-214.

~~Week:--“Week” consists of s~~ Seven (7) consecutive days.

~~Writing or written:--“Writing” and “written” includes p~~ Printing and any other mode of representing words and letters, including any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by ordinance, it shall be made in writing in the English language.

~~Year:--“Year” means a~~ A calendar year.

SECTION 3. Chapter 1 of the Peoria City Code (1992) is amended by amending Section 1-3 pertaining to Catchlines of sections, effect of history notes, and references in Code and which shall read as follows:

Sec. 1-3. Catchlines of sections, effect of history notes, and references in Code.

(a) The catchlines of ~~the~~ several sections of this Code are intended as mere catchwords to indicate the contents of the sections and are not titles of such sections, nor any part of such sections, nor unless expressly so provided, are they to be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Cross references and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, or sections are to the chapters, articles, and sections of this Code unless otherwise specified.
(Code 1977, art. 1-5)

SECTION 4. Chapter 1 of the Peoria City Code (1992) is amended by repealing Section 1-25 pertaining to Code Codification Committee; created in its entirety as follows:

~~1-25. Code Codification Committee; created.~~

~~—————There shall be a Code Codification Committee.~~

SECTION 5. Chapter 1 of the Peoria City Code (1992) is amended by repealing Section 1-26 pertaining to Code Codification Committee; composition in its entirety as follows:

~~1-26. Code Codification Committee; composition.~~

~~—————The Code Codification Committee shall consist of four members as follows:~~

~~(a) —One member of the City Council who shall be appointed by the Mayor and approved by the City Council. The appointment shall be for a period of one (1) year.~~

~~(b) —The City Clerk or his designee.~~

~~(c) —The City Manager or his designee.~~

~~(d) —The City Attorney or his designee.~~

SECTION 6. Chapter 1 of the Peoria City Code (1992) is amended by repealing Section 1-27 pertaining to Code Codification Committee; powers and duties in its entirety as follows:

~~1-27. Code Codification Committee; powers and duties.~~

~~—————The Code Codification Committee shall:~~

~~—————(a) —Appoint from its members an Editor for the codification and recodification of the Code.~~

~~—————(b) —Determine codification procedures for new ordinances.~~

~~_____ (c) _____ Recodify existing chapters, articles and sections of the Code to simplify using the Code and to provide for consistent codification.~~

~~_____ (d) _____ Review existing provisions of the Code and periodically suggest amendments to remove obsolete provisions of the Code.~~

~~_____ (e) _____ Publish and republish existing and new chapters, articles and sections of the Code.~~

~~_____ (f) _____ Publish supplements updating the Code containing new ordinances and amendments.~~

~~_____ (g) _____ Distribute and sell copies of the Code and subscriptions to supplements pursuant to charges established in this code. The Mayor and each member of Council, _____ the City Manager, City Attorney, City Clerk and each Department Head shall be entitled to sufficient copies of the Code at no charge as needed for the efficient operation of their respective agencies, departments and offices.~~

~~_____ (h) _____ Perform all other duties necessary for the efficient and ongoing codification and recodification of the Code.~~

SECTION 7. If any section, subsection, sentence, clause or phrase 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 8. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 21st day of February, 2017.

Dated: _____

Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen J. Burg, City Attorney

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