

**ORDINANCE NO. 2019-1662**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 3-14 (“DEVELOPMENT FEES”); ADOPTING DEVELOPMENT FEES; ADDING A SEVERANCE CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Prescott wishes to update Title III, Chapter 3-14 (“DEVELOPMENT FEES”), by deleting the existing Chapter 3-14 in its entirety and replacing Chapter 3-14 (“Development Fees”); and,

**WHEREAS**, A.R.S. §9-463.05, allows municipalities to impose development fees; and,

**WHEREAS**, the Land Use Assumptions (“LUA”) and Infrastructure Improvement Plans (“IIP”) for Fire, Police, Streets, Water Resource System, Water Impact and Wastewater Impacts were adopted by the Prescott City Council on February 26, 2019, through Resolution No. 2019-1680; and additionally, public notice was provided as to the proposed amended LUA and IIP, as permitted statutorily pursuant to A.R.S. §9-463.05(D)(10) on April 12, 2019; and, the Council finds that the amended LUA and IIP meet the statutory requirements of this subsection of the Arizona Development Fee statute; and,

**WHEREAS**, the Prescott City Council has given the required notice of intent to assess new or increased development fees and held the required Public Hearings to impose development fees and all procedural requirements of law have been met; and,

**WHEREAS**, amending Title III, Chapter 3-14 (“DEVELOPMENT FEES”), which, in part, will establish new development fees for fire, police, streets, water resource systems, water impacts and sewer, is in the best interests of the health, safety and welfare of the City of Prescott; and,

**WHEREAS**, the City declared that document entitled “Chapter 3-14: Development Fees”, which contains the amendments to Title III, Chapter 3-14, listed above, to be a public record through City of Prescott Resolution No. 2019-1689.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

**ENACTMENTS:**

**SECTION 1.** Upon the effective date of this Ordinance, the document entitled “Chapter 3-14: Development Fees”, which was made a public record by Resolution No. 2019-1689, is hereby adopted by reference and supersedes and replaces all previous versions of Title III, Chapter 3-14 (“Development Fees”), is updated by deleting the existing Chapter 3-14 in its entirety and replacing same with a new Chapter 3-14

("Development Fees").

**SECTION 2.** SEVERANCE CLAUSE: THAT the provisions of this Ordinance and the Code and Code Amendments it incorporates are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance, or any Code and Code Amendments that it incorporates shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance and the Code and Code Amendments it incorporates, but they shall remain in effect, it being the legislative intent that this Ordinance and the Code and Code Amendments it incorporates shall stand, notwithstanding the invalidity of any part thereof.

**SECTION 3.** EFFECTIVE DATE. The provisions of this Ordinance shall become effective on August 1, 2019.

PASSED AND ADOPTED by the Council of the City of Prescott, Arizona, on this 14<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
GREG L. MENGARELLI, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MAUREEN SCOTT, City Clerk

\_\_\_\_\_  
JON M. PALADINI, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA )  
County of Yavapai ) ss.

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Ordinance No. **2019-1662** is a true, correct and accurate copy of Ordinance No. **2019-1662**, passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, at which a quorum was present and, by a \_\_\_\_\_ vote, \_\_\_\_\_ voted in favor of said ordinance.

Given under my hand and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Seal

\_\_\_\_\_  
City Clerk