

ORDINANCE NO. 09-53

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING ORDINANCE 08-45; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, at the time of the planting of old growth trees, the Town's rights of way were not always as clearly defined or accessible as they have become with the advent of GIS and other technologies.

Whereas, old growth trees greatly add to the beauty of the Town's rights of way.

Whereas, the intent of the Council in adopting Ordinance 08-45 was to not harm such old growth trees, unless they are a threat to life and safety.

Now therefore, the Town Council of the Town of Dewey-Humboldt does ordain as follows:

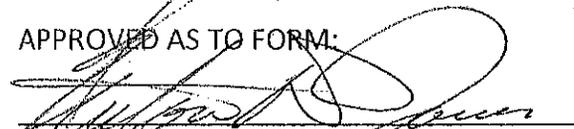
1. Ordinance 08-45 § 1.1 is hereby amended to append the following to the definition of "Encroachment":
"Specifically excluded from the definition of Encroachment is any tree planted prior to July 21, 2009, unless such tree poses a threat to life or safety."
2. The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.
3. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force as soon as possible as provided by law, and shall be codified at the next codification interval.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 4th day of August 2009.



Len Marinaccio, Mayor

APPROVED AS TO FORM:


Kenton Jones, Town Attorney

ATTEST:


Judy Morgan, Town Clerk