



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING TOWN CODE CHAPTER 9.05 "GENERAL OFFENSES" SECTION 9.05.150 "PLASTIC BAGS" TO REMOVE THE TOWN'S REGULATION OF PLASTIC BAGS FROM THE TOWN CODE.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28); and

WHEREAS, the Code, Chapter 9.05 "GENERAL OFFENSES" Section 9.05.150 "Plastic bags," provides regulations for use of plastic bags within the Town; and

WHEREAS, the state has preempted local regulation of plastic bags through A.R.S. 9-500.38; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to amend the Code to remove the Town's regulation of plastic bags; and

WHEREAS, as required by the Code, section 2-5-4, this Ordinance was first read at a public meeting of the Town Council on October 25, 2018, and at a subsequent meeting on November 8, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Chapter 9.05 "GENERAL OFFENSES" Section 9.05.150 "Plastic bags," is amended by deleting all of the current section title and text, and replacing it as follows.

Chapter 9.05 GENERAL OFFENSES

9.05.150 *Reserved.*

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed in their entirety.

SECTION 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 4. The Town Clerk is hereby directed, pursuant to the Code section 2.25.080, to publish this Ordinance as required by A.R.S. 9-812 and 39-204.


PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8TH DAY OF NOVEMBER, 2018.


Ken Taylor, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney