



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 2020-01

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 2, CHAPTER 2.45 "PLANNING AND ZONING COMMISSION" SECTION 2.45.010 "ESTABLISHED" TO ALLOW FOR THE APPOINTMENT OF A HEARING OFFICER TO PERFORM THE DUTIES OF THE PLANNING AND ZONING COMMISSION.**

**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. section 9-240 (B) (28); and

**WHEREAS**, pursuant to A.R.S. section 9-461.02, the Town Council has established a planning and zoning commission with five members; and

**WHEREAS**, the planning and zoning commission has had difficulty establishing a quorum for meetings to conduct business; and

**WHEREAS**, the Town Council wishes to amend the Code to allow the Council to appoint a hearing officer to serve as the Town's "planning agency," as contemplated by A.R.S. 9-461(4), *et seq.*, and perform the duties of the planning and zoning commission as provided in the Code and state statutes; and

**WHEREAS**, as required by the Code, section 2-25-040, this Ordinance was first read at a public meeting of the Town Council on January 9, 2020, and at a subsequent meeting on February 23, 2020.

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

**SECTION 1.** The Code, Chapter 2.45 "PLANNING AND ZONING COMMISSION," Section 2.45.010 "Established" is amended as follows, with additions in underlined text:

The planning and zoning commission of the town is hereby established. In the event that the members of the planning and zoning commission are not duly appointed or the commission is otherwise not fully constituted, as provided below, the Town Council may appoint a hearing officer to serve as the town's "planning agency," as contemplated by A.R.S. 9-461(4), et seq.

**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policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

**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 23rd DAY OF JANUARY, 2020.**



Johann Wallace, Mayor

**ATTEST:**



Janine Rustine, Town Clerk

**Approved as to Form:**



Thomas Benavidez, Town Attorney