

## **ORDINANCE O22-09-05**

### **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING TITLE XV, SECTIONS 151.140, 152.030 AND 155.057 OF THE CODE OF THE CITY OF EL MIRAGE.**

**WHEREAS**, the Mayor and City Council have adopted Title XV of the City Code to provide rules and regulations regarding development within the City with Chapter 151 “Public Rights-of-Way; Encroachments,” Chapter 152 “Property Development; Off-site Construction Improvement Requirements,” and Chapter 155 “Subdivisions;” and

**WHEREAS**, several Sections within these Chapters refer to the undergrounding of utilities for both existing and proposed lines; and

**WHEREAS**, the City of El Mirage would like to revise these Sections to provide clarity as well as to allow the City Council to provide relief from the undergrounding requirements of existing overhead utility lines 13 kV and under in certain scenarios; and

**WHEREAS**, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA**, as follows:

- Section 1. That certain document titled “Exhibit A” which document was made public record by Resolution R22-09-20 amending Title XV, Sections 151.140, 152.030 and 155.057 of the Code of the City of El Mirage, is hereby referred to, adopted and made part of the El Mirage City Code as if fully set out in this Ordinance.
- Section 2. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.
- Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance in any part of this addition adopted here by reference is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 4. The City Clerk is hereby directed to publish this adopting ordinance in full and will become effective at the time and manner prescribed by law.
- Section 5. Because of the urgent need for the implementation of the City’s regulations concerning the underground placement of both existing and proposed electrical power lines of 13 kV or less and to provide relief from certain undergrounding requirements of existing overhead power lines where circumstances deem proper, the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare. An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law.

