

## **ORDINANCE O23-10-13**

### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING TITLE IX, SECTION § 92.22 AND TITLE XV, § 154.093(C)(5) OF THE CODE OF THE CITY OF EL MIRAGE AND DECLARING AN EMERGENCY.**

**WHEREAS**, City Council wishes to update City codes from time to time to more accurately reflect current conditions and realistic needs of the City; and

**WHEREAS**, the City of El Mirage would like to amend Title IX, Section § 92.22 of the City Code in order to clarify drug and tobacco free zone; and

**WHEREAS**, the City of El Mirage would like to amend Title XV, Section § 154.093(C)(5) of the City Code in order to clarify temporary uses and structures – mobile food vendors, subject to the following conditions; 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;

**WHEREAS**, it is necessary for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the City that this ordinance be declared an emergency and take effect immediately after Council approval.

**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 R23-10-28 amending Title IX, Section § 92.22 and Title XV, Section § 154.093(C)(5) of the Code of the City of El Mirage and declaring an emergency, 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resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.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. Due to the urgent need to protect the health, safety, and general welfare of the public, 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.

