

**ORDINANCE O23-11-15**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING TITLE IX, SECTION 92.29 OF THE CODE OF EL MIRAGE RELATED TO CAMPING ON PUBLIC PROPERTY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY AND PENALTIES, 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 § 92.29 of the City Code to define “Publicly Owned Property” and set forth penalties for violation of this Section; 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; and

**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 Council of the City of El Mirage, Arizona, as follows:

- Section 1.** That certain document made a public record by Resolution R23-11-32, including Exhibit “A,” amending Title IX, Chapter 92 Parks, Section 92.29 Camping, Lodging Out-Of-Doors in Parks, On Public Property Prohibited of the Code 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- Section 2.** All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance are repealed.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.** Any person who after being notified by a law enforcement officer and provided the opportunity to relocate, fails to do so shall be subject to arrest for violation of paragraph (B) of Code Section 92.29 and the first violation of paragraph (B) of Code Section 92.29 shall be designated a Class 1 misdemeanor.

**PASSED AND ADOPTED** by the Common Council of the City of El Mirage, Arizona, this 7th day of November 2023.

\_\_\_\_\_  
Alexis Hermosillo, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sharon Antes, City Clerk

\_\_\_\_\_  
Justin Pierce, City Attorney

**CERTIFICATION OF RECORDING OFFICER**

STATE OF ARIZONA            )  
County of Maricopa         ) ss.

I, the undersigned Sharon Antes, being the duly appointed, qualified City Clerk of the City of El Mirage, Maricopa County, Arizona, certify that the foregoing Ordinance O23-11-15 is a true, correct and accurate copy of Ordinance O23-11-15, passed and adopted at a Voting Meeting of the Council of the City of El Mirage, Maricopa County, Arizona, held on the \_\_\_\_ day of \_\_\_\_\_ 2023, at which a quorum was present and, by a \_\_\_\_ vote, \_\_\_\_ voted in favor of said ordinance.

Given under my hand and sealed this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Sharon Antes, City Clerk