

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE FLAGSTAFF CITY CODE, TITLE 13, ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS FOR NEW INFRASTRUCTURE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “STREET LIGHTING AND TRAFFIC SIGNALS, SIGNING, AND PAVEMENT MARKINGS CODE AMENDMENTS”; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff City Code, Title 13, *Engineering Design Standards and Specifications for New Infrastructure*, contains engineering and design standards and specifications setting forth minimum acceptable design and construction practices, and these standards and specifications are routinely revised to reflect new and best practices, changes to related existing, and/or new codes, as well as legal considerations and input from the community; and

WHEREAS, the Engineering Section in cooperation with staff members from other divisions and the Street Lighting to Enhance Dark Skies (SLEDs) working group, which includes representatives from Lowell Observatory, the United States Naval Observatory Flagstaff Station, and the Flagstaff Dark Skies Coalition, developed amendments to Title 13; and

WHEREAS, the Engineering Section conducted a citizen survey, a public tour and multiple City Council working sessions to discuss the basis of the proposed Street Lighting amendments to Title 13; and

WHEREAS, the Engineering Section considered the comments received from internal and external stakeholders and incorporated them into the proposed Street Lighting amendments to Title 13 of the Flagstaff City Code; and

WHEREAS, the Engineering Section proposes to modernize the Street Lighting and Traffic Signal sections of Title 13 in the community’s continued efforts to build upon Flagstaff’s Dark Skies heritage and world leading Dark Sky preservation efforts; and

WHEREAS, the document entitled “*Street Lighting and Traffic Signals, Signing, and Pavement Markings Code Amendments*” contains the Engineering Section’s recommended revisions to Title 13 of Flagstaff City Code; and

WHEREAS, the Mayor and Council find that the document entitled “*Street Lighting and Traffic Signals, Signing and Pavement Markings Code Amendments*” should be declared a public record and that one copy of same should be placed on file with the City Clerk so that the official copies thereof shall be readily available to the public.

ENACTMENTS:**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. That certain document known as *Street Lighting and Traffic Signals, Signing, and Pavement Markings Code Amendments*, one (1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, which document is declared a public record by Resolution No. 2020-13 of the City of Flagstaff, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

SECTION 2. Penalties

Pursuant to the General Penalty provision in Section 1-04-001-0001 of the Flagstaff City Code, any person, firm, or corporation violating any provision of Title 13, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed \$2,500 for any one offense. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed including, but not limited to Chapter 8-10 *General Construction Standards and Specifications*.

SECTION 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be 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 5. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 6. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of September 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY